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No. 45] NEW DELHI, NOVEMBER 2—NOVEMBER 8, 2014, SATURDAY/KARTIKA 11—KARTIKA 17, 1936

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह पृथक संकलन के रूप में रखा जा सके
Separate Paging is given to this Part in order that it may be filed as a separate compilation

भाग II—खण्ड 3—उप-खण्ड (ii)
PART II—Section 3—Sub-section (ii)

भारत सरकार के मंत्रालयों (रक्षा मंत्रालय को छोड़कर) द्वारा जारी किए गए सांविधिक आदेश और अधिसूचनाएं
Statutory Orders and Notifications Issued by the Ministries of the Government of India
(Other than the Ministry of Defence)

संचार एवं सूचना प्रौद्योगिकी मंत्रालय
(डाक विभाग)

नई दिल्ली, 13 अक्टूबर, 2014

का. आ. 2857.—राजभाषा नियम (संघ के शासकीय प्रयोजनों के लिए प्रयोग), 1976 के नियम 10 के उप नियम (4) के अनुसरण में केन्द्र सरकार, डाक विभाग के अधीनस्थ कार्यालय डाक प्रशिक्षण केंद्र, मैसूर-5710010 को, जिसके 80 प्रतिशत से अधिक अधिकारियों एवं कर्मचारियों ने हिन्दी का कार्यसाधक ज्ञान प्राप्त कर लिया है, को अधिसूचित करती है :—

[सं. 11017-1/2011-रा.भा.]

अनुला कुमार, उप महानिदेशक (फिलैटली/राजभाषा)

MINISTRY OF COMMUNICATION AND IT
(Department of Posts)

New Delhi, the 13th October, 2014

S.O. 2857.—In pursuance of Rule 10(4) of the Official Language (use for official Purposes of the Union) Rules 1976, the Central Government hereby notifies the Office of The Director, Postal Training Centre, Mysore-570010 of the Department of Posts where 80% Officers/Officials has acquired the working knowledge of Hindi :—

[No. 11017-1/2011-OL]

ANULA KUMAR, Dy. Director General (Philately/O.L.)

नई दिल्ली, 27 अक्टूबर, 2014

का. आ. 2858.—राजभाषा नियम (संघ के शासकीय प्रयोजनों के लिए प्रयोग), 1976 के नियम 10 के उप नियम (4) के अनुसरण में केन्द्र सरकार, डाक विभाग के अधीनस्थ कार्यालय मुख्य पोस्टमास्टर जनरल, केरल सर्किल, तिरुवनन्तपुरम-695033 के निम्नलिखित 06 कार्यालयों जिसके 80 प्रतिशत से अधिक अधिकारियों/कर्मचारियों ने हिन्दी का कार्यसाधक ज्ञान प्राप्त कर लिया है, को अधिसूचित करती है :—

1. डाक भंडार डिपो, तृशूर-680004
2. वरिष्ठ अधीक्षक डाकघर कार्यालय, तिरुवनन्तपुरम (उत्तर) मंडल-695001
3. जी.पी.ओ., तिरुवनन्तपुरम-695001
4. वरिष्ठ अधीक्षक का कार्यालय, रेल डाक सेवा 'टीवी' मंडल, तिरुवनन्तपुरम-695036
5. वरिष्ठ अधीक्षक डाकघर कार्यालय, एर्णाकुलम मंडल-682011
6. वरिष्ठ अधीक्षक डाकघर कार्यालय, कोल्लम मंडल-691001

[सं. 11017-1/2011-रा.भा.]

अनुला कुमार, उप महानिदेशक (फिलैटली/राजभाषा)

New Delhi, the 27th October, 2014

S.O. 2858.—In pursuance of Rule 10(4) of the Official Language (use for official Purposes of the Union) Rules 1976, the Central Government hereby notifies following 06 offices of the Office of the Chief Postmaster General, Kerala Circle, Thiruvananthapuram-695033 of the Department of Posts where more than 80% Officers/Officials has acquired the working knowledge of Hindi :—

1. Postal Stores Depot, Thrissur-680004
2. O/o The Senior Superintendent of Post Offices, Thiruvananthapuram (North) Division-695001
3. GPO, Thiruvananthapuram-695001
4. O/o The Senior Superintendent, RMS, 'TV' Division-695036
5. The Sr. Superintendent of Post Offices, Ernakulam Division-682011
6. The Sr. Superintendent of Post Offices, Kollam Division-691001

[No. 11017-1/2011-OL]

ANULA KUMAR, Dy. Director General (Philately/O.I.)

स्वास्थ्य एवं परिवार कल्याण मंत्रालय

(स्वास्थ्य एवं परिवार कल्याण विभाग)

नई दिल्ली, 27 अक्टूबर, 2014

का. आ. 2859.—जबकि भारतीय चिकित्सा परिषद् संशोधन अध्यादेश, 2013 की धारा 3क की उप-धारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए दिनांक 06 नवंबर, 2013 को भारतीय चिकित्सा परिषद् का पुनर्गठन किया गया ;

और जबकि केन्द्र सरकार ने भारतीय आयुर्विज्ञान परिषद् अधिनियम, 1956 (1956 का 102) की धारा 3 की उप-धारा (1) के खंड (ग) के अनुसरण में पंजीकृत आयुर्विज्ञान स्नातक निर्वाचन क्षेत्रों से सदस्यों का निर्वाचन किया और निम्नलिखित व्यक्ति को इस अधिसूचना के जारी होने की तिथि से चार वर्षों के लिए भारतीय आयुर्विज्ञान परिषद् के सदस्य के रूप में निर्वाचित किया गया है ।

अतः अब उक्त अधिनियम की धारा 3 की उप-धारा (1) के उपबंध के अनुसरण में केन्द्र सरकार द्वारा भारत सरकार के तत्कालीन स्वास्थ्य मंत्रालय की दिनांक 9 जनवरी, 1960 की अधिसूचना संख्या का.आ. 138 में निम्नलिखित संशोधन किए जाते हैं, अर्थात् :

भारत सरकार, स्वास्थ्य एवं परिवार कल्याण मंत्रालय की दिनांक 06 नवंबर, 2013 की अधिसूचना संख्या का.आ. 3324(अ) में अंतिम प्रविष्टि तथा तत्संबंधी प्रविष्टि में निम्नलिखित को जोड़ा जाएगा, अर्थात् :

क्रम सं.	पंजीकृत चिकित्सा स्नातक निर्वाचित क्षेत्र का नाम	निर्वाचित सदस्य का विवरण	निर्वाचन की प्रक्रिया
14.	पंजाब	डॉ. गुरमेज सिंह, एम.बी.बी.एस., एम. एस. (सर्जरी) जनता हॉस्पिटल, टांडा रोड बाई पास, जालंधर	निर्वाचित

[सं. वी-11013/1/2014-एम ई पी-1]

अमित बिश्वास, अवर सचिव

पाद टिप्पणी : दिनांक 9 जनवरी, 1960 के सा.का. 138 के तहत भारत के राजपत्र में मुख्य अधिसूचना प्रकाशित की गई थी और भारतीय आयुर्विज्ञान परिषद् (संशोधन), द्वितीय अध्यादेश, 2013 (2013 का 11) के तहत अंतिम बार संशोधित किया गया था।

MINISTRY OF HEALTH AND FAMILY WELFARE

(Department of Health and Family Welfare)

New Delhi, the 27th October, 2014

S.O. 2859.—Whereas on 06th November, 2013, the Medical Council of India was re-constituted in exercise of the powers conferred by sub-section (1) of section 3A of the Indian Medical Council (Amendment) Ordinance, 2013;

And whereas the Central Government, in pursuance of clause (c) of sub-section (1) of section 3 of the Indian Medical Council Act, 1956 (102 of 1956) has conducted the election from the Registered Medical Graduate Constituency and the following has been elected to be a member of the Medical Council of India for four years with effect from the date of issue of this notification.

Now, therefore, in pursuance of the provision of sub-section (1) of Section 3 of the said Act, the Central Government hereby makes the following amendment in the Notification of the Government of India in then Ministry of Health number S.O. 138 dated the 9th January, 1960, namely :—

In the notification of the Government of India in the Ministry of Health and Family Welfare number S.O. 3324(E) dated the 06 November, 2013, after the last entry and entry relating thereto, the following shall be inserted, namely :

S. No.	Name of the Registered Medical Graduate Constituency	Details of the Elected Member	Mode Election
14.	Punjab	Dr. Gurmej Singh, MBBS, MS (Surgery), Janta Hospital, Tanda Road, Bye Pass, Jalandhar	Elected

[No. V. 11013/1/2014/MEP-I]

AMIT BISWAS, Under Secy.

Foot Note : The principal notification was published in the Gazette of India vide number S.O. 138 dated the 9th January, 1960 and was last amended vide Indian Medical Council (Amendment) Second Ordinance, 2013, (11 of 2013).

सूक्ष्म, लघु और मध्यम उद्यम मंत्रालय

नई दिल्ली, 5 नवम्बर, 2014

का. आ. 2860.—केन्द्रीय सरकार, राजभाषा (संघ के शासकीय प्रयोजनों के लिए प्रयोग) नियम, 1976 के नियम 10 के उप नियम (4) के अनुसरण में सूक्ष्म, लघु और मध्यम उद्यम मंत्रालय के नियंत्रणाधीन राष्ट्रीय लघु उद्योग निगम लिमिटेड (मुख्यालय) नई दिल्ली के

निम्नलिखित कार्यालयों जिनके 80 प्रतिशत से अधिक कर्मचारियों ने हिन्दी का कार्यसाधक ज्ञान प्राप्त कर लिया है, को एतद्वारा अधिसूचित करती है :

1. शाखा कार्यालय, राष्ट्रीय लघु उद्योग निगम लिमिटेड, 3/46, लाखनू कम्पाउण्ड : आईसीआईसीआई बैंक के सामने, मैरिस रोड, अलीगढ़-202.001 (उ.प्र.) ।
2. शाखा कार्यालय, राष्ट्रीय लघु उद्योग निगम लिमिटेड, प्रथम तल, डीआईसी कैम्पस, रसूलगढ़, इंडस्ट्रियल एस्टेट, भुवनेश्वर-751010 (ओड़िशा) ।

[सं. ई-12016/01/2005-हिन्दी]

एस. एन. त्रिपाठी, संयुक्त सचिव

MINISTRY OF MICRO, SMALL AND MEDIUM ENTERPRISES

New Delhi, the 5th November, 2014

S.O. 2860.—In pursuance of sub-rule of Rule 10 of the Official Languages (Use for official purposes of the Union) Rules, 1976, the Central Government hereby notifies the following offices of National Small Industries Corporation Ltd. (Headquarters), New Delhi under control of the Ministry of Micro, Small and Medium Enterprises, whose more than 80% staff has acquired working knowledge in Hindi :

1. Branch Office, National Small Industries Corporation Ltd., 3/46, Lakhanoo Compound, Opposite ICICI Bank, Marris Road, Aligarh-202001 (U.P.)
2. Branch Office, National Small Industries Corporation Ltd. Ist Floor, DIC Campus, Rasulgarh Industrial Estate, Bhubneshwar-751010 (Odisha).

[No. E-12016/01/2005-Hindi]

S. N. TRIPATHI, Jt. Secy.

उपभोक्ता मामले, खाद्य और सार्वजनिक वितरण मंत्रालय

(उपभोक्ता मामले विभाग)

(भारतीय मानक ब्यूरो)

नई दिल्ली, 3 नवम्बर, 2014

का. आ. 2861.—भारतीय मानक ब्यूरो (प्रमाणन) विनियम 1988 के विनियम 4 के उपविनियम (5) के अनुसरण में भारतीय मानक ब्यूरो एतद्वारा अधिसूचित करता है कि जिन लाइसेंसों के विवरण नीचे अनुसूची में दिए गए हैं, वे स्वीकृत कर दिए गए हैं :—

अनुसूची

क्रम सं.	लाइसेंस सं.	स्वीकृत करने की तिथि वर्ष/माह	लाइसेंसधारी का नाम व पता	भारतीय मानक का शीर्ष	भा मा सं. (भा. अनुभाग) : वर्ष
(1)	(2)	(3)	(4)	(5)	(6)
1.	4774582	20140909	मेसर्स टैटानिक इंडस्ट्रीस 445-D, रंगासामी लेन, बी के रोड, तन्नीर पन्डल, पीलमेडु, कोयम्बतूर - 641 004	स्वच्छ ठंडे पानी के लिए अपकेन्द्रीय पुनरुत्पादक पम्प	IS 8472 : 1988
2.	4776586	20140912	मेसर्स विजय पॉली पाइप सं. 7, कन्डमपालयम, पेरुन्दुरै - 638 052	पेयजल आपूर्ति के लिए अप्लास्टिकृत पी बी सी पाइप	IS 4985 : 2000
3.	4776889	20140915	मेसर्स एस एस मार्केटिंग 240, उदया नगर, गणपति, कोयम्बतूर - 641 006	स्वच्छ ठंडे पानी के लिए अपकेन्द्रीय पुनरुत्पादक पम्प	IS 8472 : 1988

(1)	(2)	(3)	(4)	(5)	(6)
4.	4779794	20140918	मैसर्स गिरी राम ज्वेलरी 76, बाजार स्ट्रीट, गोबी - 638 452	चाँदी एवं चाँदी मिश्रधातुएं, आभूषण/शिल्पकारी - शुद्धता एवं मुहरांकन	IS 2112 : 2003
5.	4782884	20140925	मैसर्स मुरुगन मिनरल्स 3/467, कुलतुतोड्टम, मन्नारै पोस्ट, तिरुप्पुर - 641 607	पैकेजबंद पेय जल (पैकेजबंद मिनरल जल के अलावा)	IS 14543 : 2004
6.	4782682	20140925	मैसर्स टेक्सन इंडस्ट्रीस दरवाजा सं. 115-E, सुब्रमणिया ले-औट, विश्वनाथापुरम के सामने, तुडियालूर, कोयम्बतूर - 641 034	निम्नजनीय पम्पसेट	IS 8034 : 2002

[सं. सी.एम.डी. 13 : 11]

एम. सदाशिवम, वैज्ञानिक 'एफ' एवं प्रमुख

MINISTRY OF CONSUMER AFFAIRS, FOOD AND PUBLIC DISTRIBUTION

(Department of Consumer Affairs)

(BUREAU OF INDIAN STANDARDS)

New Delhi, the 3rd November, 2014

S.O. 2861.—In pursuance of sub-regulation (5) of the regulation 4 of the Bureau of Indian Standards (Certification) Regulation 1988, of the Bureau of Indian Standards, hereby notifies the grant of licence particulars of which are given in the following schedule :—

SCHEDULE

Sl. No.	Licence No.	Grant Date	Name and Address (Factory) of the Party	Title of the Standard	IS No. Part/ Sec. Year
(1)	(2)	(3)	(4)	(5)	(6)
1.	4774582	20140909	M/s. Titanic Industries 445-D, Rangasamy Lane, V K Road, Thaneer Pandhal, Peelamedu, Coimbatore - 641 004	Centrifugal Regenerative Pump for clear, cold water	IS 8472 : 1998
2.	4776586	20140912	M/s. Vijay Poly Pipe No. 7, Kandampalayam, Perundurai - 638 052	Unplasticized PVC pipes for potable water supplies	IS 4985 : 2000
3.	4776889	20140915	M/s. S S Marketing 240, Udhy Nagar, Ganapathy, Coimbatore - 641 006	Centrifugal Regenerative Pump for clear, cold water	IS 8472 : 1988
4.	4779794	20140918	M/s. Giri Ram Jewellery 76, Bazaar Street Gobi - 638 452	Silver and Silver Alloys, Jewellery/Artefacts - Fineness and Marking	IS 2112 : 2003

4253-5714-2

(1)	(2)	(3)	(4)	(5)	(6)
5.	4782884	20140925	M/s. Murugan Minerals 3/467, Kulathuthottam, Mannarai (P.O.), Tirupur – 641 607	Packaged Drinking Water (other than Packaged Natural Mineral Water)	IS 14543 : 2004
6.	4782682	20140925	M/s. Texson Industries D. No. 115-E, Subramaniya Layout, Opp. Viswanathapuram, Thudiyalur, Coimbatore – 641 034	Submersible Pumpset	IS 8034 : 2002

[No. CMD/13 : 11]

M. SADASIVAM, Scientist 'F' & Head

नई दिल्ली, 3 नवम्बर, 2014

का. आ. 2862.—भारतीय मानक ब्यूरो (प्रमाणन) विनियमन 1988 के विनियम 5 के उपविनियम (6) के अनुसरण में भारतीय मानक ब्यूरो एतद्वारा अधिसूचित करता है कि निम्न विवरण वाले लाइसेंसें को उनके आगे दर्शायी गई तारीख से रद्द/स्थगित कर दिया गया है :—

अनुसूची

क्र. सं.	लाइसेंस सं.	लाइसेंसधारी का नाम व पता	स्थगित किए गए/रद्द किए गए लाइसेंस के अंतर्गत वस्तु/प्रक्रम सम्बद्ध भारतीय मानक का शीर्षक	रद्द करने की तिथि
1.	4711457	मैसर्स रवि हाईटेक पम्प्स 6/35, न्यू दामू नगर, पुलियाकुलम रोड, कोयम्बतूर – 641 037	कृषि एवं जल आपूर्ति के लिए साफ और ठंडे पानी के बिजली के मोनोसेट पम्प IS 9079 : 2002	10-09-2014

[सं. सी एम डी 13 : 13]

एम. सदाशिवम, वैज्ञानिक 'एफ' एवं प्रमुख

New Delhi, the 3rd November, 2014

S.O. 2862.—In pursuance of sub-regulation (6) of the regulation 5 of the Bureau of Indian Standards (Certification) Regulation 1988, of the Bureau of Indian Standards, hereby notifies the licence particulars of which are given below have been cancelled/suspended with effect from the date indicated against each :—

SCHEDULE

Sl. No.	Licence No. CM/L—	Name & Address of the Party	Article/Process with relevant Indian standards covered by the licence cancelled/suspension	Date of Cancellation
1.	4711457	M/s. Ravi Hitech Pumps 6/35, New Damu Nagar, Puliakulam Road, Coimbatore – 641 037	Electric Monoset Pumps for Clear, Cold Water for Agricultural and Water Supply Purposes IS 9079 : 2002	10-09-2014

[No. CMD/13 : 13]

M. SADASIVAM, Scientist 'F' & Head

नई दिल्ली, 3 नवम्बर, 2014

का. आ. 2863.—भारतीय मानक ब्यूरो (प्रमाणन) विनियम 1988 के विनियम 4 के उपविनियम (5) के अनुसरण में भारतीय मानक ब्यूरो एतद्वारा अधिसूचित करता है कि जिन लाइसेंसों के विवरण नीचे अनुसूची में दिए गए हैं, वे स्वीकृत कर दिए गए हैं :—

अनुसूची

क्रम सं.	लाइसेंस सं.	स्वीकृत करने की तिथि वर्ष/माह	लाइसेंसधारी का नाम व पता	भारतीय मानक का शीर्ष	भा मा सं. (भाग/अनुभाग) : वर्ष
(1)	(2)	(3)	(4)	(5)	(6)
1.	4784080	20141001	मैसर्स रवि हाई-टेक पम्पस 6/30, न्यू दामु नगर, पुलियाकुलम रोड, कोयम्बतूर - 641 037	कृषि एवं जल आपूर्ति के लिए साफ और ठंडे पानी के बिजली के मोनोसेट पम्प	IS 9079 : 2002
2.	4786286	20141013	मैसर्स सौमिका मिनरल्स 250/1, सुब्रमणियम नगर, ईरोड - 638 012	पैकेजबंद पेय जल (पैकेजबंद मिनरल जल के अलावा)	IS 14543 : 2004
3.	4787894	20141017	मैसर्स शान्ति ज्वेलरी द चोला टावर्स, 471-A, त्रिची रोड, सिंगानल्लूर, कोयम्बतूर - 641 005	स्वर्ण एवं स्वर्ण मिश्रधातुएं, आभूषण/शिल्पकारी - शुद्धता एवं मुहरांकन	IS 1417 : 1989
4.	4787793	20141017	मैसर्स ए वी आर स्वर्ण महल ज्वेलरी प्राइवेट लिमिटेड सं. 102, आर. के. वी. रोड, ईरोड - 638 001	स्वर्ण एवं स्वर्ण मिश्रधातुएं, आभूषण/शिल्पकारी - शुद्धता एवं मुहरांकन	IS 1417 : 1999
5.	4790984	20141023	मैसर्स जी. जी. ज्वेलरी 123, करुप्पा गौन्डर स्ट्रीट, पहला माला, कोयम्बतूर - 641 001	स्वर्ण एवं स्वर्ण मिश्रधातुएं आभूषण/शिल्पकारी - शुद्धता एवं मुहरांकन	IS 1417 : 1999
6.	4791077	20141024	मैसर्स चेरन इंडस्ट्रीज 78/1, रविन्द्रनाथ टैगोर रोड, अतिपालयम रोड, गणपति, कोयम्बतूर - 641 006	कृषि एवं जल आपूर्ति के लिए साफ और ठंडे पानी के बिजली के मोनोसेट पम्प	IS 9079 : 2002
7.	4794588	20141031	मैसर्स अम्बि प्लाई पेलन्स एण्ड डोर्स एस एफ सं. 678/3, कुरुन्तामलै मार्ग, तेक्कमपट्टी गाँव, मेट्टपालयम तालुक, कोयम्बतूर - 641 305	समुद्री उपयोग के लिए प्लाईवुड	IS 710 : 2010
8.	4794386	20141031	मैसर्स पयोनीर प्लाईवुड इंडस्ट्रीस 10/100/1, ए एस पी तोट्टम, सेनगौडुगौन्डन पुदुर मार्ग, मुतुगौन्डनपुदुर, सुलूर, कोयम्बतूर - 641 402	समुद्री उपयोग के लिए प्लाईवुड	IS 710 : 2010

(1)	(2)	(3)	(4)	(5)	(6)
9.	4794487	20141031	मैसर्स पयोनीर प्लाईवुड इंडस्ट्रीस 10/100/1, ए एस पी तोट्टम, सेन्नौडुगौन्डनु पुदुर मार्ग, मुतुगौन्डनपुदुर, सुलूर, कोयम्बतूर - 641 402	ब्लॉक बोर्ड	IS 1659 : 2004

[सं. सी एम डी 13 : 11]

एम. सदाशिवम, वैज्ञानिक 'एफ' एवं प्रमुख

New Delhi, the 3rd November, 2014

S.O. 2863.—In pursuance of sub-regulation (5) of the regulation 4 of the Bureau of Indian Standards (Certification) Regulation 1988, of the Bureau of Indian Standards, hereby notifies the grant of licence particulars of which are given in the following schedule :—

SCHEDULE

Sl. No.	Licence No.	Grant Date	Name and Address (Factory) of the Party	Title of the Standard	IS No. Part/ Sec. Year
(1)	(2)	(3)	(4)	(5)	(6)
1.	4784080	20141001	M/s. Ravi Hi-tech Pumps 6/30, New Damu Nagar, Puliakulam Road, Coimbatore - 641 037	Electric Monoset Pumps for Clear, Cold Water for Agricultural and Water Supply Purposes	IS 9079 : 2002
2.	4786286	20141013	M/s. Sowmika Minerals 250/1, Subramaiyam Nagar, Erode - 638 012	Packaged Drinking Water (other than Packaged Natural Mineral Water)	IS 14543 : 2004
3.	4787894	20141017	M/s. Shanthi Jewellery The Chola Towers, 471-A, Trichy Road, Singanallur, Coimbatore - 641 005	Gold and Gold Alloys, Jewellery/Artefacts - Fineness and Marking	IS 1417 : 1999
4.	4787793	20141017	M/s. AVR Swarna Mahal Jewelry Pvt. Ltd. No. 102, R.K.V. Road, Erode - 638 001	Gold and Gold Alloys, Jewellery/Artefacts - Fineness and Marking	IS 1417 : 1999
5.	4790984	20141023	M/s. G G Jewellery 123, Karuppa Gounder Street, 1st Floor, Coimbatore - 641 001	Gold and Gold Alloys, Jewellery/Artefacts - Fineness and Marking	IS 1417 : 1999
6.	4791077	20141024	M/s. Cheran Industries 78/1, Ravindranath Tagore Road, Athipalayam Road, Ganapathy, Coimbatore - 641 006	Electric Monoset Pumps for Clear, Cold Water for Agricultural and Water Supply Purposes	IS 9079 : 2002

(1)	(2)	(3)	(4)	(5)	(6)
7	4794588	20141031	M/s. Ambi Ply Panels and Doors SF No. 678/3, Kurunthamalai Road, Thekkampatti Village, Mettupalayam Taluk, Coimbatore-641 305	Marine Plywood	IS 710 : 2010
8	4794386	20141031	M/s. Pioneer Plywood Industries 10/100/1, A.S.P. Thottam, Sengodogaundan Pudur Road, Muthugoundanpudur, Sular, Coimbatore-641 402	Marine Plywood	IS 710 : 2010
9	4794487	20141031	M/s. Pioneer Plywood Industries 10/100/1, A.S.P. Thottam, Sengodogaundan Pudur Road, Muthugoundanpudur, Sular, Coimbatore-641 402	Block Boards	IS 1659 : 2004

[No. CMD/13 : 11]

M. SADASIVAM, Scientist 'F' & Head

नई दिल्ली, 3 नवम्बर, 2014

का. आ. 2864.—भारतीय मानक ब्यूरो (प्रमाणन) विनियम 1988 के विनियम 5 के उपविनियमन (6) के अनुसरण में भारतीय मानक ब्यूरो एतद्वारा अधिसूचित करता है कि निम्न विवरण वाले लाइसेंसों को उनके आगे दर्शायी गई तारीख से रद्द/स्थगित कर दिया गया है :—

अनुसूची

क्र. सं.	लाइसेंस सं. सी एम/एल-	लाइसेंसधारी का नाम व पता	स्थगित किए गए/रद्द किए गए लाइसेंस के अंतर्गत वस्तु/प्रक्रम सम्बद्ध भारतीय मानक का शीर्षक	रद्द करने की तिथि
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अक्टूबर 2014 - शून्य

[सं. सी एम डी 13 : 13]

एम. सदाशिवम, वैज्ञानिक 'एफ' एवं प्रमुख

New Delhi, the 3rd November, 2014

S.O. 2864.—In pursuance of sub-regulation (6) of the regulation 5 of the Bureau of Indian Standards (Certification) Regulation 1988, of the Bureau of Indian Standards, hereby notifies that the licence particulars of which are given below have been cancelled/suspended with effect from the date indicated against each :—

SCHEDULE

Sl. No	Licence No. CM/L-	Name & Address of the Licensee	Article/Process with relevant Indian standards covered by the licence cancelled/suspension	Date of Cancellation
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OCTOBER 2014 - NIL

[No. CMD/13 : 13]

M. SADASIVAM, Scientist 'F' & Head

4253 5714-3

कोयला मंत्रालय

आदेश

नई दिल्ली, 7 नवम्बर, 2014

का. आ. 2865.—कोयला धारक क्षेत्र (अर्जन और विकास) अधिनियम, 1957 (1957 का 20) (जिसे इसमें इसके पश्चात् उक्त अधिनियम कहा गया है) की धारा 9 की उप-धारा (1) के अधीन जारी भारत सरकार के कोयला मंत्रालय की अधिसूचना संख्यांक का.आ. 1727(अ), तारीख 26 मार्च, 2014, जिसे भारत के राजपत्र, भाग II, खंड 3, उपखंड (ii), तारीख 10 जुलाई, 2014 में प्रकाशित किया गया था, उक्त अधिसूचना से संलग्न अनुसूची में वर्णित 205.46 हेक्टेयर (लगभग) या 507.70 एकड़ (लगभग) माप वाली भूमि में (जिसे इसमें इसके पश्चात् उक्त भूमि कहा गया है) भूमि में या उस पर के सभी अधिकार उक्त अधिनियम की धारा 10 की उप-धारा (1) के अधीन, सभी विल्लंगमों से मुक्त होकर, आत्यंतिक रूप से केन्द्रीय सरकार में निहित हो गए हैं।

और केन्द्रीय सरकार का यह समाधान हो गया है, कि वेस्टर्न कोलफील्ड्स लिमिटेड, नागपुर (महाराष्ट्र) (जिसे इसमें इसके पश्चात् सरकारी कम्पनी कहा गया है), ऐसे निबंधनों और शर्तों का जिन्हें केन्द्रीय सरकार इस निमित्त अधिरोपित करना उचित समझे, अनुपालन करने के लिए रजामंद है।

अतः, अब, केन्द्रीय सरकार, कोयला धारक क्षेत्र (अर्जन और विकास) अधिनियम, 1957 की धारा 11 की उप-धारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह निदेश देती है, कि 205.46 हेक्टेयर (लगभग) या 507.70 एकड़ (लगभग) इस प्रकार निहित भूमि में और भूमि में या उस पर के सभी अधिकार केन्द्रीय सरकार में इस प्रकार निहित बने रहने के बजाए, तारीख 10 जुलाई, 2014, से निम्नलिखित निबंधनों और शर्तों के अधीन रहते हुए सरकारी कंपनी में निहित हो जाएंगे, अर्थात् :—

- (1) सरकारी कंपनी, उक्त अधिनियम के उपबंधों के अधीन यथा अवधारित प्रतिकर, ब्याज, नुकसानियों और वैसी ही मदों की बाबत किए गए सभी संदायों की केन्द्रीय सरकार को प्रतिपूर्ति करेगी ;
- (2) शर्त (1) के अधीन, सरकारी कंपनी द्वारा केन्द्रीय सरकार को संदेय रकमों का अवधारण करने के प्रयोजनों के लिए उक्त अधिनियम की धारा 14 के अधीन एक अधिकरण का गठन किया जाएगा तथा ऐसे किसी अधिकरण और उक्त अधिकरण की सहायता करने के लिए नियुक्त व्यक्तियों के संबंध में उपगत सभी व्यय, सरकारी कंपनी द्वारा वहन किए जाएंगे और इस प्रकार निहित उक्त भूमि में या उस पर के अधिकारों के लिए या उनके संबंध में सभी विधिक कार्यवाहियों की बाबत उपगत, सभी व्यय भी, सरकारी कंपनी द्वारा वहन किए जाएंगे ;
- (3) सरकारी कंपनी, केन्द्रीय सरकार या उसके पदधारियों की, ऐसे किसी अन्य व्यय के संबंध में क्षतिपूर्ति करेगी जो इस प्रकार निहित उक्त भूमि में या उस पर के अधिकारों के बारे में, केन्द्रीय सरकार या उसके पदधारियों द्वारा या उनके विरुद्ध किन्हीं कार्यवाहियों के संबंध में आवश्यक हो ;
- (4) सरकारी कंपनी को केन्द्रीय सरकार के पूर्व अनुमोदन के बिना, उक्त भूमि और इस प्रकार निहित भूमि में या उस पर के अधिकारों को किसी अन्य व्यक्ति को अंतरित करने की शक्ति नहीं होगी ; और
- (5) सरकारी कंपनी, ऐसे निदेशों और शर्तों का पालन करेगी जो केन्द्रीय सरकार द्वारा, जब कभी आवश्यक हो, उक्त भूमि के विशिष्ट क्षेत्रों के लिए दिए जाएं या अधिरोपित किए जाएं।

[फा. सं. 43015/1/2011-पीआरआईडब्ल्यू-1]

दोमिनिक डुंगडुंग, अवर सचिव

MINISTRY OF COAL

ORDER

New Delhi, the 7th November, 2014

S.O. 2865.—Whereas on the publication of the notification of the Government of India in the Ministry of Coal, number S.O. 1727(E), dated the 26th March, 2014, published in the Gazette of India, Part II, Section 3, Sub-section (ii), dated the 10th July, 2014, issued under sub-section (1) of Section 9 of the Coal Bearing Areas (Acquisition and Development) Act, 1957 (20 of 1957) (hereinafter referred to as the said Act), the land measuring 205.46 hectares (approximately) or 507.70 acres (approximately) as all rights in or over the said land described in the Schedule appended to the said notification (hereinafter referred to as the said land) are vested absolutely in the Central Government free from all encumbrances under sub-section (1) of Section 10 of the said Act.

And whereas, the Central Government is satisfied that the Western Coalfields Limited, Nagpur (Maharashtra) (hereinafter referred to as the Government Company) is willing to comply with such terms and conditions as the Central Government thinks fit to impose in this behalf.

Now, therefore, in exercise of the powers conferred by sub-section (1) of Section 11 of the Coal Bearing Area (Acquisition and Development) Act, 1957, the Central Government hereby directs that the above said lands measuring 205.46 hectares (approximately) or 507.70 acres (approximately) and all rights in or over the said lands so vested shall with effect from 10th July, 2014, instead of continuing to so vest in the Central Government, shall vest in the Government Company, subject to the following terms and conditions, namely :—

- (1) the Government Company shall reimburse to the Central Government all payments made in respect of compensation, interest, damages and the like, as determined under the provisions of the said Act.
- (2) Tribunal shall be constituted under Section 14 of the said Act, for the purpose of determining the amounts payable to the Central Government by the said Government Company under conditions (1) and all expenditure incurred in connection with any such Tribunal and persons appointed to assist the Tribunal shall be borne by the said Government Company and similarly, all expenditure incurred in respect of all legal proceedings like appeals, etc. for or in connection with the rights, in or over the said land, so vested, shall also be borne by the Government Company ;
- (3) the Government Company shall indemnify the Central Government or its officials against any other expenditure that may be necessary in connection with any proceedings by or against the Central Government or its officials regarding the aforesaid rights in the said land so vested ;
- (4) the Government Company shall have no power to transfer the aforesaid rights in the said lands so vested, to any other persons without the prior approval of the Central Government ; and
- (5) the Government Company shall abide by such directions and conditions as may be given or imposed by the Central Government for particular areas of the said land as and when necessary.

[F. No. 43015/1/2011-PRIW-I]
DOMINIC DUNG DUNG, Under Secy.

आदेश

नई दिल्ली, 7 नवम्बर, 2014

का. आ. 2866.—कोयला धारक क्षेत्र (अर्जन और विकास) अधिनियम, 1957 (1957 का 20) (जिसे इसमें इसके पश्चात् उक्त अधिनियम कहा गया है) की धारा 9 की उप-धारा (1) के अधीन जारी भारत सरकार के कोयला मंत्रालय की अधिसूचना संख्यांक का.आ. 3, तारीख 24 दिसम्बर, 2013, जिसे भारत के राजपत्र, भाग II, खंड 3, उपखंड (ii), तारीख 4 जनवरी, 2014 में प्रकाशित किया गई थी, उक्त अधिसूचना से संलग्न अनुसूची में वर्णित 721.313 हेक्टेयर (लगभग) या 1782.36 एकड़ (लगभग) माप वाली भूमि में (जिसे इसमें इसके पश्चात् उक्त भूमि कहा गया है) भूमि में या उस पर के सभी अधिकार उक्त अधिनियम की धारा 10 की उप-धारा (1) के अधीन, सभी विल्लंगमों से मुक्त होकर, आत्यंतिक रूप से केन्द्रीय सरकार में निहित हो गए हैं।

और केन्द्रीय सरकार का यह समाधान हो गया है, कि साउथ ईस्टर्न कोलफील्ड्स लिमिटेड, सीपत रोड, पोस्ट बॉक्स संख्या 60, जिला बिलासपुर-495006 (जिसे इसमें इसके पश्चात् सरकारी कंपनी कहा गया है), ऐसे निबंधनों और शर्तों का जिन्हें केन्द्रीय सरकार इस निमित्त अधिरोपित करना उचित समझे, अनुपालन करने के लिए रजामंद है।

अतः, अब, केन्द्रीय सरकार, कोयला धारक क्षेत्र (अर्जन और विकास) अधिनियम, 1957 की धारा 11 की उप-धारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह निदेश देती है, कि 721.313 हेक्टेयर (लगभग) या 1782.36 एकड़ (लगभग) इस प्रकार निहित भूमि में और भूमि में या उस पर के सभी अधिकार केन्द्रीय सरकार में इस प्रकार निहित बने रहने के बजाए, तारीख 4 जनवरी, 2014, से निम्नलिखित निबंधनों और शर्तों के अधीन रहते हुए सरकारी कंपनी में निहित हो जाएंगे, अर्थात् :—

- (1) सरकारी कंपनी, उक्त अधिनियम के उपबंधों के अधीन यथा अवधारित प्रतिकर, ब्याज, नुकसानियों और वैसी ही मदों की बाबत किए गए सभी संदायों की केन्द्रीय सरकार को प्रतिपूर्ति करेगी ;
- (2) शर्त (1) के अधीन, सरकारी कंपनी द्वारा केन्द्रीय सरकार को संदेय रकमों का अवधारण करने के प्रयोजनों के लिए उक्त अधिनियम की धारा 14 के अधीन एक अधिकरण का गठन किया जाएगा तथा ऐसे किसी अधिकरण और उक्त अधिकरण की सहायता करने

के लिए नियुक्त व्यक्तियों के संबंध में उपगत सभी व्यय, सरकारी कंपनी द्वारा वहन किए जाएंगे और इस प्रकार निहित उक्त भूमि में या उस पर के अधिकारों के लिए या उनके संबंध में सभी विधिक कार्यवाहियों की बाबत उपगत, सभी व्यय भी, सरकारी कंपनी द्वारा वहन किए जाएंगे ;

- (3) सरकारी कंपनी, केन्द्रीय सरकार या उसके पदधारियों की, ऐसे किसी अन्य व्यय के संबंध में क्षतिपूर्ति करेगी जो इस प्रकार निहित उक्त भूमि में या उस पर के अधिकारों के बारे में, केन्द्रीय सरकार या उसके पदधारियों द्वारा या उनके विरुद्ध किन्हीं कार्यवाहियों के संबंध में आवश्यक हो ;
- (4) सरकारी कंपनी को केन्द्रीय सरकार के पूर्व अनुमोदन के बिना, उक्त भूमि और इस प्रकार निहित भूमि में या उस पर के अधिकारों को किसी अन्य व्यक्ति को अंतरित करने की शक्ति नहीं होगी ; और
- (5) सरकारी कंपनी, ऐसे निदेशों और शर्तों का पालन करेगी जो केन्द्रीय सरकार द्वारा, जब कभी आवश्यक हो, उक्त भूमि के विशिष्ट क्षेत्रों के लिए दिए जाएं या अधिरोपित किए जाएं ।

[फा. सं. 43015/19/2010-पीआरआईडब्ल्यू-I]

दोमिनिक डुंगडुंग, अवर सचिव

ORDER

New Delhi, the 7th November, 2014

S.O. 2866.—Whereas on the publication of the notification of the Government of India in the Ministry of Coal, number S.O. 3, dated the 24th December, 2013, published in the Gazette of India, Part II, Section 3, Sub-section (ii), dated the 4th January, 2014, issued under sub-section (1) of Section 9 of the Coal Bearing Areas (Acquisition and Development) Act, 1957 (20 of 1957) (hereinafter referred to as the said Act), the land measuring 721.313 hectares (approximately) or 1782.36 acres (approximately) as all rights in or over the said land described in the Schedule appended to the said notification (hereinafter referred to as the said land) are vested absolutely in the Central Government free from all encumbrances under sub-section (1) of Section 10 of the said Act.

And whereas, the Central Government is satisfied that the South Eastern Coalfields Limited, Seepat Road, Post Box number 60, District Bilaspur-495006, Chhattisgarh (hereinafter referred to as the Government Company) is willing to comply with such terms and conditions as the Central Government thinks fit to impose in this behalf.

Now, therefore, in exercise of the powers conferred by sub-section (1) of Section 11 of the Coal Bearing Areas (Acquisition and Development) Act, 1957, the Central Government hereby directs that the above said lands measuring 721.313 hectares (approximately) or 1782.36 acres (approximately) and all rights in or over the said lands so vested shall with effect from 4th January, 2014, instead of continuing to so vest in the Central Government, shall vest in the Government Company, subject to the following terms and conditions, namely :—

- (1) the Government Company shall reimburse to the Central Government all payments made in respect of compensation, interest, damages and the like, as determined under the provisions of the said Act.
- (2) Tribunal shall be constituted under Section 14 of the said Act, for the purpose of determining the amounts payable to the Central Government by the said Government Company under conditions (1) and all expenditure incurred in connection with any such Tribunal and persons appointed to assist the Tribunal shall be borne by the said Government Company and similarly, all expenditure incurred in respect of all legal proceedings like appeals, etc. for or in connection with the rights, in the said land, so vested, shall also be borne by the Government Company ;
- (3) the Government Company shall indemnify the Central Government or its officials against any other expenditure that may be necessary in connection with any proceedings by or against the Central Government or its officials regarding the aforesaid rights in the said land so vested ;
- (4) the Government Company shall have no power to transfer the aforesaid rights in the said lands so vested, to any other persons without the prior approval of the Central Government ; and
- (5) the Government Company shall abide by such directions and conditions as may be given or imposed by the Central Government for particular areas of the said land as and when necessary.

[F. No. 43015/19/2010-PRIW-I]
DOMINIC DUNG DUNG, Under Secy.

श्रम और रोजगार मंत्रालय

New Delhi, the 30th October, 2014

नई दिल्ली, 31 अक्टूबर, 2014

का. आ. 2867.—इस मंत्रालय की दिनांक 16-10-2000 की अधिसूचना सं. का.आ. 2363, के आशोधन में, औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 33ग की उप धारा (2) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्र सरकार, भारत सरकार के श्रम मंत्रालय की दिनांक 19-4-2000 की अधिसूचना सं. का.आ. 941 द्वारा उक्त अधिनियम की धारा 7 के अंतर्गत स्थापित श्रम न्यायालय, हैदराबाद को ऐसे श्रम न्यायालय के रूप में निर्दिष्ट करती है जो उस धनराशि को निर्धारित करेगा जिस पर आंध्र प्रदेश और तेलंगाना राज्यों के किसी उद्योग, जिसके संबंध में केन्द्र सरकार समुचित सरकार है, में नियोजित कामगारों के संबंध में उक्त उप धारा में वर्णित किसी लाभ के लिए धनराशि के रूप में संगणना की जाएगी।

[फा. सं. जैड-13011/5/2014-सीएलएस-II]

एस. के. सिंह, जवर सचिव

MINISTRY OF LABOUR AND EMPLOYMENT

New Delhi, the 31st October, 2014

S.O. 2867.—In modification of this Ministry's Notification S.O. 2363, dated 16-10-2000, in exercise of the powers conferred by sub-section (2) of Section 33C of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby specifies that Labour Court, Hyderabad constituted under Section 7 of the said Act by the notification of the Government of India in the Ministry of Labour S.O. 941 dated 19-4-2000 as the Labour Court which shall determine the amount at which any benefit referred to in that sub-section would be computed in terms of money in relation to workmen employed in any industry in the States of Andhra Pradesh and Telangana in respect of which the Central Government is the appropriate Government.

[F. No. Z-13011/5/2014-CLS-II]

S. K. SINGH, Under Secy.

नई दिल्ली, 30 अक्टूबर, 2014

का.आ. 2868.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार पंजाब एण्ड सिंध बैंक के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, चंडीगढ़ के पंचाट (संदर्भ सं. 54/2009) को प्रकाशित करती है, जो केन्द्रीय सरकार को 30-12-2014 को प्राप्त हुआ था।

[सं. एल-12011/79/2009-आई आर (बी-II)]

रवि कुमार, डेस्क अधिकारी

S.O. 2868.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 54/2009) of the Cent. Govt. Indus. Tribunal-cum-Labour Court, Chandigarh as shown in the Annexure, in the industrial dispute between the management of Punjab and Sind Bank and their workmen, received by the Central Government on 30-10-2014.

[No. L-12011/79/2009-IR (B-II)]

RAVI KUMAR, Desk Officer

ANNEXURE

BEFORE SHRI SURENDRA PRAKASH SINGH,
PRESIDING OFFICER, CENTRAL GOVT.
INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT-I,
CHANDIGARH

Casc No. ID 54 of 2009. Reference No. L-12011/79/2009-IR (B-II) dated 23-11-2009

Sh. Tejinder Singh S/o Ranjeet Singh, R/o Bastri
Govindpura, Simbal Morh, R. S. Pura, Jammu.

...Workman

Versus

1. The Branch Manager, Punjab and Sindh Bank,
PSB Digiana, Jammu. ...Respondent

APPEARANCES :

For the Workman : Sh. R. P. Rana, Advocate

For the Management : Sh. Sapan Dhir, Advocate

AWARD

passed on 23-7-2014

Government of India, Ministry of Labour vide Notification L-12011/79/2009-IR (B-II) dated 23-11-2000 has referred the following dispute to this Tribunal for adjudication :

“Whether the action of the management of Punjab and Sind Bank in terminating the service of Sh. Tejinder Singh S/o Sh. Ranjeet Singh w.e.f. 1-1-2003 is just and legal ? To what relief the workman is entitled to and from which date ?”

2. After receipt of the reference, notices were issued to the parties. Workman filed claim statement in which he has pleaded that he was engaged as temporary peon on daily wages on 7-10-1998 with the respondent bank branch Digiana in J&K and he was paid Rs. 80 per day at the end of the month for full month. It is pleaded by the workman that he worked continuously with the bank upto 31-12-2002 and his services were terminated illegally on

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1-1-2003 without any notice or payment of any retrenchment compensation, although he had completed more than 240 days of service in each calendar year and completed more than 240 days in 12 months prior to his termination. It is further pleaded by the workman that he was performing the duties to maintain day book GLP Slips, Saving Log Book, Current Log Book, R. D. Log Book, clearing voucher stitching etc. He was also issued experience certificate by the Branch Manager in 2001 mentioning therein that he was working as temporary peon. It is prayed by the workman that his termination may be declared illegal, arbitrary and the management may be directed to reinstate the workman in service with continuity of service and back wages w.e.f. 1-1-2003 as the management has violated the mandatory provisions of the ID Act, 1947.

3. The management filed written statement. The management pleaded in its written statement that branch manager engaged the services of the workman purely on temporary and daily wage basis during exigencies of work at the branch. His engagement was temporary and was with numerous breaks. The claim is barred by limitation. Workman's services were terminated w.e.f. 9-7-2002 and not from 1-1-2003. Workman's services were engaged against non-available and unsanctioned vacancy. No appointment letter was issued to the workman nor he was appointed by the competent authority and the workman was not recruited at all in accordance with the recruitment procedure of the bank. Bank has got its own recruitment rules/procedure. The appointment authority for the peon is only the Zonal Manager of the particulars zone. The workman was not appointed by the Zonal Head. Workman was admittedly engaged as temporary peon by the branch manager who was not competent to appoint any casual labour/temporary peon. Workman being engaged unauthorisedly, has no right to claim continuity in bank service on a permanent post. Workman is trying to enter into bank service through back door which can not entail any legal right under the I.D. Act. The bank being a Central Govt. undertaking is bound by the guide lines/directives issued by the Govt. of India. Certain instructions were issued that no person should be appointed by any branch manager. Any body violating the same shall be personally liable for the same Govt., the bank entered into settlement with majority of the recognised union of the bank according to which all those persons who have worked in the bank continuously for 240 days in 12 consecutive months were to be regulated subject to the availability of the vacancies. The cut off date of having completed 240 was 31-12-1989. In the case of the workman, the workman was engaged without following any procedure. The bank at present does not require employee even in the category of peon. There is no permanent vacancy in existence in the bank of the peon. The workman has never completed 240 days of continuous service in a calendar year. It is also pleaded that the experience certificate may have been procured by

the workman from the then Branch Manager. It is prayed by the management that the claim of the workman dismissed with heavy cost.

4. In evidence workman filed his affidavit. Workman also relied upon experience certificate Ex. W2 issued on 28-9-2001 by the Branch Manager, Digiana Branch, Jammu, of the management bank. Workman was cross examined. In cross-examination, workman stated that he worked continuously with the management and denied the suggestions that he worked upto 8-7-2002 only with breaks. The management in evidence filed affidavit of the Branch Manager Sh. Jagpal Singh, Branch Digiana who supports the case of the management. Management also filed affidavit of Nisha Talwar, Manager Punjab and Sind Bank Digiana Branch. In cross-examination she admitted that her affidavit is on the basis of record of the bank and it is admitted by the witness of the management that workman was working as temporary peon from 1998 and worked upto 31-12-2002 and the service of the workman was terminated on 1-1-2003. She denied the knowledge of any notice given to the workman or not. The management also placed on record the copies of voucher. During the proceeding the workman filed an application for production of certain record pertaining to the working of the workman with the management which includes payment voucher from extension counter, MBS College Digiana and daily ledger book/register from January 2001 to 31-5-2002. In reply to this management produced some documents but failed to produce the complete record. Only token book was produced for some period but not the complete record. The learned counsel for the workman submitted that workman worked from 1998 to 31-12-2002 and his services were terminated on 1-1-2003 by the management without following the mandatory provisions of Section 25F of the ID Act, 1947. No notice, notice pay and retrenchment compensation was given to the workman before terminating his services although the workman has put more than 240 days of service in a calendar year preceding to the date of termination. During the workman of the workman with the management the workman filed an application for production of record but the management failed to produce the record and inference can safely be drawn that workman has already put in more than 240 days of service in calendar year preceding to the date of termination.

5. On the other hand learned counsel for the management submitted that workman was not appointed by the competent authority and he was appointed by the branch manager, though the appointing authority of a peon is Zonal Manager. It amounts to back door entry and his services cannot be regularized and he cannot be allowed any benefit of his service. It is also submitted by the learned counsel for the management that the workman had not completed mandatory 240 days of service in a calendar

year preceding to the date of termination. Therefore, the provision of ID Act, 1947 not attracted in the case of the workman. The learned counsel for the management also submitted that the relevant record was not available with the management therefore, the same was not produced. The learned counsel for the management also submitted that workman is not entitled to any claim and reference deserves to be dismissed. The learned Counsel for the management also referred case law reported in (2006) 4 Supreme Court cases 1 Secretary, State of Karnataka and other vs. Uma Devi and Others and (2008) 12 Supreme Court Cases 286 State of Himachal Pradesh and another Vs. Ravinder Singh.

6. I have gone through the record, evidence and case laws referred by the parties and heard the arguments.

7. It is not disputed that the workman was engaged by the Branch Manager Digiana Branch in J&K purely on temporary basis. From the evidence of Nisha Talwar Manager Punjab & Sind Bank Digiana Branch it is revealed that workman was working as temporary peon from 1998 and worked upto 31-12-2012 and the services of the workman were terminated on 1-1-2003. The plea of the management in written statement that workman's services were terminated on 9-7-2002 is without any basis and as per the admission of the witness Smt. Nisha Talwar of the management in cross-examination. It is submitted by the learned counsel for the management that the workman has not completed 240 days in a calendar year preceding to the date of termination. On the other hand the submission of the Learned counsel for the workman is that the workman specifically demanded documents from the management but the management intentionally and deliberately did not provide the record to this Tribunal, therefore, adverse inference has to be drawn against the management and it can be presumed that workman has already completed more than 240 days in a calendar year preceding to the date of termination i.e. 1-1-2003. As the management has not provided the relevant record as demanded by the workman which was in possession/custody of the management and from the admission of the witness of the management Nisha Talwar that workman worked upto 31-12-2002 instead of 9-7-2002, it is presumed that workman has completed more than 240 days in a calendar year preceding to the date of termination. As the management has not complied with the provisions of Sections 25-F of the I.D. Act 1947 as one month notice/pay in lieu of notice and retrenchment compensation was not paid.

8. It is admitted case of the parties that workman was engaged purely on temporary basis on daily wages by the Branch Manager who was not competent to appoint a peon, as the competent authority is the Zonal Manager. It is also admitted case of the parties that the workman was not appointed as per the procedure of the bank and the workman was not appointed against any sanctioned post. In the circumstances the reinstatement of the workman on

the post of peon is not possible. The interest of justice would be met if the workman is allowed adequate/suitable amount of compensation. The workman worked with the bank for about four years. In the circumstances the workman is allowed Rs. 30,000 (Thirty thousand only) as compensation in lieu of reinstatement. The management is directed to pay the above amount within one month from the publication of the award.

9. The reference is answered accordingly. Cental Govt. be informed. Soft as well as hard copy be sent to the Govt. for publication.

Chandigarh.

23-7-2014

S. P. SINGH, Presiding Officer

नई दिल्ली, 30 अक्टूबर, 2014

का. आ. 2869.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार कार्पोरेशन बैंक के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, श्रम न्यायालय-2, मुम्बई के पंचाट (संदर्भ सं. 52/2002) को प्रकाशित करती है, जो केन्द्रीय सरकार को 31-10-2014 को प्राप्त हुआ था।

[सं. एल-12012/45/2002-आई आर (बी-II)]

रवि कुमार, डेस्क अधिकारी

New Delhi, the 30th October, 2014

S.O. 2869.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 52/2002) of the Cent. Govt. Indus. Tribunal-cum-Labour Court No. 2, Mumbai as shown in the Annexure, in the industrial dispute between the management of Corporation Bank and their workmen, received by the Central Government on 30-10-2014.

[No. L-12012/45/2002-IR (B-II)]

RAVI KUMAR, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 2, MUMBAI PRESENT:

K. B. KATAKE, Presiding Officer

Reference No. CGIT-2/52 of 2002

Employers in relation to the management of
Corporation Bank

The Regional Manager
Corporation Bank,
Nariman Bhavan Building, 4th Floor,
409, Nariman Point
Mumbai-400 021

AND

Their Workman

Shri Ashok Medhekar
Room No. 302, Bldg., No. 9-A,
Jeevdhani Krupa Apartment,
Nan-Nani Park, Manvel Pada Road,
Virar (E),
Distt. Thane-401 303

APPEARANCES :

For the Employer : Mr. R.S. Pai,
Advocate
For the Workman : Mr. Manoj Gujar,
Advocate

Mumbai, dated the 23rd July, 2014

AWARD PART – II

The Government of India, Ministry of Labour and Employment by its By Order No. L-12012/45/2002-IR (B-II) dated 17-6-2002 in exercise of the powers conferred by clause (d) of sub-section (1) and sub-section 2(A) of Section 10 of the Industrial Disputes Act, 1947 have referred the following industrial dispute to this Tribunal for adjudication :

“Whether the action of the management of Corporation Bank in terminating the services of Shri Ashok Medhekar by way of dismissal vide letter dt. 9-11-1996 is legal and justified ? If not, what relief the employer is entitled to ?”

2. In Part-I award, the inquiry and findings Inquiry Officer were held just, legal and proper and opportunity was given to both the parties to lead their evidence or to submit their arguments on the point of punishment of dismissal; as to whether it is shockingly disproportionate to the proved misconduct.

3. In this Part-II award following are the remaining issues for my determination. I record my findings thereon for the reasons to follow :

Sr. No.	Issues	Findings
3.	Whether the action of the management terminating the services of Mr. Ashok Medhekar by way of dismissal is shockingly disproportionate to the proved misconduct ?	No
4.	If yes, what relief the workman is entitled to ?	No relief

REASONS

Issues No. 3 & 4 :

4. In this respect the workman has filed his affidavit at Ex. 28. He has contended that he has worked with the

first party continuously for twelve years. He has not committed any fraud or theft as has been alleged. He was dismissed from service illegally. He reiterated the contents in his pleadings and affidavit. According to him the punishment awarded is harsh, arbitrary and shockingly disproportionate to the alleged act of misconduct. The management has not even filed any police case. Tribunal can rectify the punishment under Section 11A of I.D. Act. Since termination, he is unemployed and in spite of various attempts he could not get any job. Because of the arbitrary action of dismissal from service he and his family suffered a lot. Therefore according to him the punishment of dismissal needs be set aside and he is reinstated in the service. The same contentions are raised on behalf of the second party workman in the arguments.

5. As against this the Id. adv. for the first party submitted that the workman was charge-sheeted for committing theft of cheque books from the custody of the Bank and handing them over to some third parties. A cheque was used by a third party to withdraw an amount of Rs. 10,596 and another cheque was used to withdraw an amount of Rs. 14,375. They were presented for clearing through Abhyudaya Co-op Bank. Two more cheques were presented for clearing through Canara Bank, Mazgaon Branch and one more cheque was presented through Koka Merchantile Co-op Bank. The cheque books were entrusted to the second party to deliver them to the concerned department by Shri Sudhir Hankonkar, Special Assistant of Wadala Branch. The concerned persons who had deposited the cheques were Mr. Salvi and Mr. R. A. Chalke has informed the Manager of the concerned Bank that the cheques were handed over to them by the second party workman. The inquiry of the charges was conducted by the Inquiry Officer. He held the workman guilty and on the basis of his report, the disciplinary authority dismissed the workman from service.

6. According to the management the workman was found guilty for grave misconduct and was rightly dismissed from service. The punishment for such misconduct cannot be called shockingly disproportionate. Therefore the Id. adv. for the first party, submitted that the Tribunal should not interfere in the same under Section 11A of the I.D. Act. In support of his argument the Id. adv. cited Bombay High Court ruling in Ganesh Sahkari Sakhar Kharkhana Ltd. V/s. Dhasrath Bajirao Nirgude & Anr. 2011 (1) CLR 617 (BOMHC). In that case the Sugar Factory had charge sheeted its workman for committing criminal breach of trust, preparing false copy of sales feed which indicated that consideration amount was Rs. 15,000 instead of Rs. 1500 and deliberately prepared further false record showing that he had submitted an application dt. 31-3-1993 seeking permission to deposit the amount by rectification of the vouchers. He was held guilty of the said charges levelled against him. He was dismissed from service.

or the charge of dishonesty. The Labour Court held that Sugar Factory is guilty for unfair labour practice while dismissing him. The Labour Court directed to reinstate the workman in service. The Industrial Tribunal confirmed the award of the Labour Court. While setting aside the said order, the Hon'ble Court held that, a dishonest employee is likely to be thrust as a burden on the organisation. The Hon'ble Court also held that Id. Labour Judge and Member of the Industrial Court committed patent error in holding that punishment of dismissal was shockingly disproportionate. In this respect the Id. adv. for the first party also resorted to Apex Court ruling in Janatha Bazaar V/s. Secretary, Sahakari Naukarananou Sangh Etc. 2000 II CLR 568. Wherein on the point Hon'ble Court observed that :

"Law is well settled that once act of misappropriation is proved may be for small or large amount, there is no question of showing uncalled for sympathy and reinstating the employee in service and as such impugned order passed by the High Court and the award of the Labour Court are set aside."

In this case the Hon'ble Court further observed that :

"In case of proved misappropriation, there is no question of considering past record. It is the discretion of the employer to consider the same in appropriate cases. But Labour Court cannot substitute the penalty imposed by the employer in such cases."

7. On the point the Id. adv. also resorted to following rulings :

1. Madhya Pradesh Electricity Board V/s. Jagdishchandra Sharma 2005 II LLJ 156 (SC).
2. Bharat Forge Co. Ltd. V/s. Uttam Manohar Nakate 2005 (I) CLR 533 SC.
3. Hombe Gowda EDN Trust & Anr. V/s. State of Karnataka & Ors. 2006 (I) LLJ 1074 SC.
4. Verma L. K. V/s. HMT Ltd. 2006 (I) LLJ 1074 SC.
5. Janatha Bazar (South Kanara Central Co-op. Wholesale Stores Ltd.) Etc. 2000 (II) CLR 568 (SC) wherein the Hon'ble Apex Court held that scope of Industrial Tribunal to interfere with punishment of discharge or dismissal of workman is limited and the Labour Court or Industrial Tribunal should not use the discretion under Section 11A of I.D. Act to interfere with the punishment when the employee is found guilty for serious misconduct. In the case at hand no doubt

committing theft of cheque books by an employee of the Bank and giving them to some third party to withdraw amounts, is a grave misconduct for which punishment of dismissal cannot be said shockingly disproportionate. On the other hand Bank employees are expected to be utmost honest who are entrusted with the public funds. Such an act also causes harm to the reputation of the bank affecting its business. Therefore in many cases banks do not even file police complaints. Thus non filing of police complaint does not give any advantage to the workman. In the circumstances, and in the light of the ratio laid down by Hon'ble Courts I hold that the punishment of dismissal in the case at hand is not shockingly disproportionate to the proved misconduct. Accordingly I decide this Issue No. 3 in the negative. Consequently I also hold that the workman is not entitled to any relief. Accordingly Issue No. 4 is also decided in the negative. Thus the order :

ORDER

The reference stands dismissed with no order as to cost.

Date : 23-7-2014

K. B. KATAKE, Presiding Officer

नई दिल्ली, 30 अक्टूबर, 2014

का. आ. 2870.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार मोरमुगाओ पोर्ट ट्रस्ट के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, श्रम न्यायालय सं.-2, मुम्बई के पंचाट (संदर्भ सं. 39/2003) को प्रकाशित करती है, जो केन्द्रीय सरकार को 31-10-2014 को प्राप्त हुआ था।

[सं. एल-36011/1/2003-आई आर (बी-II)]
रवि कुमार, डेस्क अधिकारी

New Delhi, the 30th October, 2014

S.O. 2870.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 39/2003) of the Cent. Govt. Indus. Tribunal-cum-Labour Court No. 2, Mumbai as shown in the Annexure, in the industrial dispute between the management of Mormugao Port Trust and their workmen, received by the Central Government on 30-10-2014.

[No. L-36011/1/2003-IR (B-II)]
RAVI KUMAR, Desk Officer

ANNEXURE**BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL NO. 2, MUMBAI****PRESENT :**

K. B. KATAKE, Presiding Officer

Reference No. CGIT-2/39 of 2003Employers in relation to the management of
Mormugao Port TrustThe Chairman
Mormugao Port Trust,
Mormugao Harbour,
Goa – 403 803**AND****Their Workmen**Goa Port & Dock Employees Union
C/o. Mr. Uday Chandrakant Halarnkar,
House No. 27, Matav-wada,
Britona,
Bardez-Goa,
Goa – 403 101**APPEARANCES :**For the Employer : Mr. M. B. Anchan,
AdvocateFor the Union : Mr. V. K. Halarnkar,
Advocate

Mumbai, dated the 1st September, 2014

AWARD

The Government of India, Ministry of Labour and Employment by its Order No. L-36011/1/2003-IR (B-II) dated 18-7-2003 in exercise of the powers conferred by clause (d) of sub-section (1) and sub-section 2(A) of Section 10 of the Industrial Disputes Act, 1947 have referred the following industrial dispute to this Tribunal for adjudication :

“Whether the action of the management of Mormugao Port Trust, Goa in transferring Shri Uday C. Halarnkar (Welder) from MOHP to Baina Workshop without giving him any promotional benefits is legal and justified ? Whether the management's action has resulted victimization/discrimination in the matter of promotion and transfer vis-a-vis other employees junior to the disputant ? If so, what relief the workman is entitled for ?”

2. After receipt of the reference, notices were issued to both the parties. In response to the notice, second party

union has filed its statement of claim at Ex. 6. According to the Union, workman Shri Uday C. Halarnkar was employed by the first party as a Liftman on adhoc basis in the year 1979. He continued to work till he was appointed to work as a Welder on regular basis w.e.f. 14-10-1980. The workman was confirmed in the service after his initial probation period. He was appointed as Welder and posted in Mechanical Ore Handling Plant (MOHP). He worked there as a Welder continuously for a period of 18 years. He was transferred on promotion as Welder (HS) vide order dt. 30-9-1998. According to the union Mr. Francisco A. Lobo, Welder (HS) working at Site Workshop MOHP was junior to the workman. He was illegally promoted as Welder (HS) by office dt. 30-7-1993. That time management has ignored the claim of the workman for promotion and retention in MOHP. After promotion of the workman, he was transferred to Baina Workshop. However in case of Shri Francisco A. Lobo who was working at Baina Workshop was brought to MOHP as Welder (HS) on promotion. The management had denied promotion to the workman within MOHP and also denied the consequential benefits to him. Equality Worker Shri N. V. Dabholkar working at Shipping Section, MOHP and Francisco Lobo working at Baina workshop both have been brought on transfer as Welder to Shipping Section and General MOHP Section vide orders dt. 26-10-1998 and 18-11-1998 respectively. They did not consider the request of the workman to promote him within MOHP. The workman was performing his duties well. His record of 18 years was unblemished. From initial appointment, workman worked only in MOHP and never worked at Baina Workshop. The workman made representation to the management to retain him on promotion at MOHP. However in spite of vacancy, they did not consider his request and brought Mr. Francisco A. Lobo and filled by the vacancy of Welder (HS) at MOHP. Therefore workman could not be promoted and retained at MOHP.

3. The action of the management denying promotion to the workman as Welder (HS) and consequently transferring him outside MOHP is illegal. The workman is entitled to claim the promotional post from 2-1-1992. The workman therefore prays that the promotion order dt. 2-1-1992 and Memorandum No. CME/E-2(17)92/3917 dt. 4-8-1992 transferring the workman on promotion outside MOHP be quashed and set aside. The workman also prays for direction to the management to promote him as Welder (HS) w.e.f. 20-1-1992 and to retain him within MOHP area and modify the memorandum dt. 4-8-1992 accordingly. He also prays for consequential benefits with retrospective effect from 20-1-1992. He also prays to quash and set aside the promotion order dt. 30-9-1998 transferring the workman on promotion outside MOHP and also prays to direct the management to promote and retain the workman within MOHP Area and to modify the promotion and posting orders dt. 30-9-1998 and 7-11-1998. The union also prays to

quash and set aside the order dt. 30-7-1993 by which Mr. Francisco Lobo was transferred as Welder (HS) from shipping to the Site Workshop Section at MOHP. The union also prays to quash and set aside the office order No. 569 dated 22/23-6-1993 issued to Mr. Francisco Lobo promoting him on regular basis as Welder (HS). The union also prays to direct the management to grant him the difference in scale from Welder to Welder (HS) w.e.f. 30-7-1993. He also prays that direction be given to first party to retain the workman as Welder in MOHP instead of Mr. N. V. Dabholkar and Mr. Minguel Martins who has been transferred to MOHP from Baina Workshop by posting order dt. 16-10-1998 and 18-11-1998.

4. The first party management resisted the statement of claim of the union vide their written statement at Ex. 11. According to the first party the workman was appointed as a Welder since 14-10-1980 and was posted at MOHP in the Engineering Deptt. In 1991 there arose one vacancy for the post of Welder (HS) at Baina Workshop of the same department. As the workman was senior-most, he was promoted against the said vacancy. However he refused the promotion. Accordingly he was debarred for promotion for a period of one year or till occurrence of next vacancy whichever is later. In the year 1992 workman was again promoted to the post of Welder (HS) ad-hoc at Baina Workshop. Again the workman refused his promotion. He was debarred for one year. During this period a vacancy at MOHP arose and Mr. Lobo was promoted as Welder (HS) against the said vacancy and there was no violation of promotion rules in giving promotion to Mr. Lobo. Again in 1998 the workman was promoted as Welder (HS) and was transferred to Baina workshop. The workman had challenged the said order by saying that it was his harassment and he was victimised and raised the dispute. He had also filed a Writ Petition before Hon'ble High Court. However the same was dismissed. The workman is working in MOHP Section for about 18 years. Still he wanted to remain in the same section only. Therefore he has refused four promotions which occurred in Baina Workshop of the same department. The seniority in MOHP and Baina Workshop is common and the service of the workmen is transferrable to one section to another section. All the transfers are made in the interest of administration and the employee cannot refuse the same merely as some more monetary benefits are available in MOHP Section.

5. According to the first party, Shri Lobo, Shri Dabholkar and Shri Minguel Martins were promoted as per the promotion rules and debarment of workman was as per the promotion policy of the management. No undue advantage was given to any of these workmen. Workmen cannot challenge their promotions as they are not parties to this reference. Workman has wilfully refused four promotions therefore he is not entitled to claim any relief prayed for. Therefore management prays that the reference be dismissed with cost.

6. The second party filed its rejoinder at Ex 13. Second party denied the contents in the written statement and reiterated contents in the statement of claim.

7. Following are the issues for my determination. I record my findings thereon for the reasons to follow :

Sr. No.	Issues	Findings
1.	Whether the orders of transfer of workman Shri Uday C. Halarnkar from MOHP to Baina Workshop on promotion was legal and justified ?	No
2.	Whether the said act of the management is act of discrimination in order to victimise the workman ?	No
3.	If yes, whether the workman under reference is entitled to the benefits claimed in the statement of claim ?	Does not arise
4.	What relief the workman is entitled to ?	As per order below
5.	What order ?	As per order below

REASONS

Issues Nos. 1 & 4 :

8. As all these issues are interlinked they are discussed and decided simultaneously. In the case at hand fact is not disputed that from 1992 to 1998 the workman was promoted on four occasions and on each occasion he was transferred on promotion from MOHP to Baina Workshop. Therefore the workman on each occasion had refused the promotion as he was not willing to join at Baina workshop. The fact is not disputed that MOHP and Baina Workshop are the departments of first party and there was common category for the purpose of seniority and promotion. The workman has admitted in his cross at EX. 23 that seniority in both these departments is common. He has admitted that as he refused the posting at Baina Workshop, he was debarred for promotion for one year or till the date of occurrence of next vacancy. He has admitted that in his place one Mr. Kaitan Carlosa was posted who was junior to him. He also admitted in his cross that though next time post of Highly Skilled Welder was offered to him in Baina workshop, still he refused the same post. He further admitted that as he refused, he was again debarred for one year for promotion. He admitted that again on 30-9-1998 said post was again offered to him and he refused the same. The workman in his cross has admitted that he refused promotion for four times. He has also admitted that since he refused above promotions, his juniors were considered for those posts.

9. From the facts and circumstances on record specially from the cross-examination of the witness of the first party it is revealed that, though MOHP and Baina Workshop are run by the first party, some more incentives and financial benefits are being given to the workmen working in MOHP. Therefore every time workman refused promotion as it was promotion on transfer to Baina Workshop. It is alleged on behalf of the workman that he was discriminated or victimized. However no specific case to that effect is made out. Mr. Lobo and Mr. Dhabolkar were promoted as per the rules when the workman had refused promotion on transfer. He was debarred for about one year. In the meanwhile vacancy arose and Mr. Lobo and Dhabolkar were promoted at MOHP. Therefore question of discrimination does not arise. They were not promoted out of way or without following the rules.

10. In respect of victimisation, no specific case is made out by the union or workman as why he was victimized and who was behind the same. When any such allegation is made, burden is on the party to prove the same by leading cogent evidence. In the case at hand the allegation of victimisation is neither supported by any circumstance or any evidence. There is also no averment as to why the workman was being victimized. From the facts and circumstances on record, it is revealed that whenever workman was eligible for promotion the vacancy was available at Baina workshop. Therefore on each occasion the workman refused the promotion and opted to stay at MOHP workshop. He refused the promotion as it was on transfer to Baina workshop. The promotional avenue at MOHP was open, during the debarring period of the workman. Therefore Mr. Lobo or Mr. Dhabolkar who were junior to the workman were promoted. In the circumstances I found no fault in the orders of transfers of the workman to Baina Workshop on promotion. Neither it can be said discrimination nor can be said victimisation as has been alleged.

11. Furthermore the workman sought for cancellation of order of promotions from 1992 to 1998. Mr. Lobo, Mr. Dhabolkar and some others were promoted by the said orders. They are not made parties to this reference. Therefore the orders of promotions affecting the interest of these third parties cannot be disturbed. It is well established principle of natural justice that no person shall be condemned unheard. Therefore without making Mr. Lobo, Mr. Dhabolkar and others as parties to the reference the said promotion orders cannot be called illegal or set aside. In the light of the discussion I come to the conclusion that the reference is devoid of merit. The workman is not entitled to any relief sought for. At the same time I would like to point out that the workman should be considered and given promotion in due course as he is quite senior if there is a vacancy. The findings in this reference should not come in the way of the workman in promoting him in due course. Accordingly I decide this

issue No. 1 in the affirmative and issue No. 2 in the negative. Consequently I decide the issue no. 3 and 4 in the negative and proceed to pass the following order.

ORDER

The reference stands dismissed with no order as to cost. However avenue of promotion and further promotions of the workman are kept open.

Date : 1-9-2014

K. B. KATAKE, Presiding Officer

नई दिल्ली, 30 अक्टूबर, 2014

का. आ. 2871.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार विशाखापत्तनम पोर्ट ट्रस्ट के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, श्रम न्यायालय, हैदराबाद के पंचाट (संदर्भ सं. 24/2013) को प्रकाशित करती है, जो केन्द्रीय सरकार को 30-10-2014 को प्राप्त हुआ था।

[सं. एल-34011/1/2012-आई आर (बी-II)]

रवि कुमार, डेस्क अधिकारी

New Delhi, the 30th October, 2014

S.O. 2871.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 24/2013) of the Cent. Govt. Indus. Tribunal-cum-Labour Court, Hyderabad as shown in the Annexure, in the industrial dispute between the management of Visakhapatnam Port Trust and their workmen, received by the Central Government on 30-10-2014.

[No. L-34011/1/2012-IR (B-II)]

RAVI KUMAR, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, AT HYDERABAD

PRESENT:

Smt. M. Vijaya Lakshmi, Presiding Officer

Dated the 4th day of July, 2014

Industrial Dispute No. 24/2013

BETWEEN:

The General Secretary,
Visakhapatnam Port Employees Union,
D. No. 26-15-204, Dharmasakthi Bhawan,
Visakhapatnam - 530 001

... Petitioner

ND

Documents Marked for the Petitioner

The Chairman
Visakhapatnam Port Trust,
Port Arca, Visakhapatnam – 530 005

NIL

Documents marked for the Respondent

... Respondent

NIL

APPEARANCES :

नई दिल्ली, 30 अक्टूबर, 2014

for the Petitioner : Party in person

for the Respondent : Party in person

AWARD

The Government of India, Ministry of Labour by its Order No. L-34011/1/2012-IR (B-II) dated 31-1-2013 referred the following dispute under Section 10(1)(d) of the I.D. Act, 1947 for adjudication to this Tribunal between the management of Visakhapatnam Port Trust and their workmen. The reference is :

SCHEDULE

“Whether the action of the management of Visakhapatnam Port Trust in not promoting S/Shri G Hanumantha Rao, P. Nooka Raju, P. Anantha Rao, Y. John, Pilla Appa Rao, A. Govardhana Rao, Drivers Ist Class (member workman of Visakhapatnam Port Employees Union) as Junior Engineer (Diesel) in F.C. Section of C.M.E's Department is legal and justified ? What relief the workman concerned are entitled to ?”

The reference is numbered in this Tribunal as I.D. No. 24/2013 and notices were issued to the parties concerned.

2. The case stands posted for filing of claim statement on 4-7-2014.

3. At this stage, Petitioner called absent. Claim statement not filed. No representation for Petitioner. In spite of giving fair opportunity Petitioner is not taking interest in the proceedings. In the circumstances, taking that no claim to be made for the Petitioner, 'Nil Award' is passed.

Award is passed accordingly. Transmit.

M. VIJAYA LAKSHMI, Presiding Officer

Appendix of evidence

Witness examined for the
Petitioner

Witnesses examined for the
Respondent

NIL

NIL

का. आ. 2872.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार विशाखापत्तनम पोर्ट ट्रस्ट के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, श्रम न्यायालय, हैदराबाद के पंचाट (संदर्भ सं. 213/2004) को प्रकाशित करती है, जो केन्द्रीय सरकार को 30-10-2014 को प्राप्त हुआ था।

[सं. एल-39025/01/2010-आई आर (बी-II)]

रवि कुमार, डेस्क अधिकारी

New Delhi, the 30th October, 2014

S.O. 2872.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 213/2004) of the Cent. Govt. Indus. Tribunal-cum-Labour Court, Hyderabad as shown in the Annexure, in the industrial dispute between the management of Visakhapatnam Port Trust and their workmen, received by the Central Government on 30-10-2014.

[No. L-39025/01/2010-IR (B-II)]

RAVI KUMAR, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT,
AT HYDERABAD

PRESENT :

Smt. M. VIJAYA LAKSHMI, Presiding Officer

Dated the 8th day of October, 2014

M.P. No. 213 of 2004

BETWEEN :

1. Smt. Pyda Kantham,
W/o Late Appala Suribabu,
D. No. 40-1-16/35, Kasturinagar-I,
Kailasapuram, Visakhapatnam – 24
2. Sri Pyda Srinivasa Rao,
S/o Late Appala Suribabu,
D. No. 40-1-16/35, Kasturinagar-I,
Kailasapuram, Visakhapatnam – 24

1253 4714-6

3. Kum. Pyda Radha,
D/o Late Appala Suribabu,
D. No. 40-1-16/35, Kasturinagar-I,
Kailasapuram, Visakhapatnam – 24

4. Smt. Bonda Rajeswari,
S/o Late Appala Suribabu,
Married and living
separately

5. Smt. Pyda Chinnari,
M/o Late Appala Suribabu,
D. No. 40-1-16/35, Kasturinagar-I,
Kailasapuram, Visakhapatnam – 24

... Petitioners

AND

1. The Chairman,
Port Trust,
Visakhapatnam

2. The Chief Engineer,
Port Trust,
Visakhapatnam

... Respondents

APPEARANCES :

For the Petitioner : Sri N. Sannibabu, Advocate

For the Respondents : Sri Alluri Krishnam Raju,
Advocate

ORDER

This is the petition filed invoking Sec. 33 C(2) of the Industrial Disputes Act, 1947 by the wife and children of Late Pyda Appala Suribabu, who worked as casual mazdoor in the Chief Engineer's Department of Port Trust, Visakhapatnam and died on 24-4-1998.

2. The contentions of the Petitioner in brief are as follows :—

While Late Pyda Appala Suribabu was working as casual mazdoor for the Port Trust, Visakhapatnam in the year 1975 he was referred to the Port Trust medical authority, as it was required to be done for regular appointment in Port Trust. But he was found medically not fit. Hence, his services were terminated. Subsequently, on the representation given by him to the Chairman, Port Trust, Visakhapatnam he was sanctioned to appoint and continue to work as casual mazdoor vide orders dated 24-2-1977. Thereafter said Late Pyda Appala Suribabu continued to work as casual mazdoor till the date of his death. After his death, Petitioners are facing many financial problems to maintain themselves. First Petitioner approached all the

concerned and also gave her representation dated 22-5-1999 to consider the services of her husband on par with regular employees as he rendered continuous service and settle pension payments and other privileges entitled to her husband's service. But no orders were communicated to her. Therefore, a direction is to be issued to the Respondents to pay all the amounts due and payable on account of terminal benefits of deceased employee i.e., service benefits such as Gratuity, Provident Fund, Commutation, leave encashment etc.

3. The contentions of the Respondents in brief are as follows :—

This petition is filed under Sec. 33C (2) of Industrial Disputes Act, 1947, which is not maintainable for the reason that such provision can be invoked only when there is no dispute regarding entitlement of the amount. In this case no amounts are due and payable to the late husband of the first Petitioner. Even the Petitioners have failed to bring as to what is the amount due from the Respondents. Since Late Pyda Appala Suribabu who was appointed as mazdoor on casual basis on 27-1-1969 was found to be not medically fit when he was referred for medical examination. His services were terminated. In such case there is no need for issuance of any notice as per rule. For the reason that he was found not fit, his services could not be regularized on the other hand, they were discontinued. Thereafter on his representation and on humanitarian grounds, he was permitted to work as casual mazdoor and he worked so until he died. He was not entitled for any terminal benefits as his services were casual in nature. The services of casual employee will never be automatically regularized against permanent vacancy notwithstanding length of service put in by them there are rules and guidelines laid down by the government in this regard. The foremost among such rules/guidelines is that of medical examination and only in case of the worker being medically found fit, question of regularization of his services will arise. Casual employees are not entitled to pensionary benefits as per the CCS (Pension) Rules. The services of late husband of the first Petitioner can not be considered for the purpose of pension and even for other benefits on par with other regular employees as per rules. Hence, no terminal benefits are payable to the Petitioners. Petition is liable to be dismissed.

4. To substantiate the contentions of the Petitioners WW1 was examined and Ex. W1 to W4 were marked. On behalf of the Respondents neither oral nor documentary evidence was adduced.

5. Written arguments are filed for the Respondents.

6. The point that arise for determination is :

I. Whether the Petitioners are entitled for the reliefs sought for ?

7. Point No. I:

There is no dispute as to the fact that Late Pyda Appala Suribabu worked as casual mazdoor for the Port Trust, Visakhapatnam. It is also an admitted fact that his services could not be regularized since he was found medically unfit. Since he was medically unfit, once his services were terminated, but on the representation made by him and on humanitarian grounds he was continued as casual mazdoor and he worked so until he died.

8. It is the plea of the Petitioners that considering his long service with Port Trust, Visakhapatnam, Respondents are to be directed to pay terminal benefits like, Provident Fund, Gratuity, Commutation Leave, Encashment etc Whereas it is the contention of the Respondents that casual workers are not entitled for any of these terminal benefits on par with regular employees as per the CCS (Pension) Rules. No doubt, such rules are not provided for payment of any such terminal benefits to casual workers. Thus, Petitioners are not entitled to claim any terminal benefits on the death of late husband of the 1st Petitioner.

9. Further more, there is a serious dispute between the parties of this litigation regarding entitlement of the Petitioners to claim any terminal benefits on the event of death of Late Pyda Appala Suribabu, the casual mazdoor. When such dispute is there, unless the same is adjudicated upon by the Industrial Tribunal and the right of the Petitioners to claim such amounts is crystallized by such a litigation, if ultimately it is found that they are entitled for the same, then only a petition under Sec. 33C (2) of Industrial Disputes Act, 1947 can be maintained if such amounts are not paid to the Petitioners by the Respondents. But, in this case no such adjudication took place. Petitioners have filed this petition vaguely and without entitlement.

10. In the given circumstances, Petitioners are not entitled for any of the reliefs sought for.

Result :

In the result, petition is dismissed.

Ordered accordingly.

Dictated to the Personal Assistant, transcribed by her corrected and pronounced by me on this the day of 8th day of October, 2014.

M. VIJAYA LAKSHMI, Presiding Officer

Appendix of evidence

Witnesses examined for the Petitioner :	Witnesses examined for the Respondent :
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WW1: Smt. P. Kantham	NIL
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Documents marked for the Petitioner/Workman

WW1 :	Photostat copy of identity card of Late Pyda Appala Suribabu.
WW2 :	Photostat copy of Medical Identity-cum-record Book No. 84716 showing Petitioner No. 1's name.
WW3 :	Photostat copy of death certificate of Pyda Appala Suribabu.
WW4 :	Photostat copy of legal heir certificate issued by MRO, Visakhapatnam to the Petitioners.

Documents marked for the Respondents

NIL

नई दिल्ली, 30 अक्टूबर, 2014

का. आ. 2873.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार मुम्बई पोर्ट ट्रस्ट के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, श्रम न्यायालय-2, मुम्बई के पंचाट (संदर्भ सं. 74/2009) को प्रकाशित करती है, जो केन्द्रीय सरकार को 30-10-2014 को प्राप्त हुआ था।

[सं. एल-31011/1/2009-आई आर (बी-II)]

रवि कुमार, डेस्क अधिकारी

New Delhi, the 30th October, 2014

S.O. 2873.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 74/2009) of the Cent. Govt. Indus. Tribunal-cum-Labour Court No. 2, Mumbai as shown in the Annexure, in the industrial dispute between the management of Mumbai Port Trust and their workmen, received by the Central Government on 30-10-2014.

[No. L-31011/1/2009-IR (B-II)]

RAVI KUMAR, Desk Officer

ANNEXURE**BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 2, MUMBAI****PRESENT:**

K. B. KATAKE, Presiding Officer

Reference No. CGIT-2/74 of 2009

Employers in relation to the management of Mumbai Port Trust

The Chairman
Mumbai Port Trust,
Pot House, Ballard Estate,
Mumbai-400 038

AND

Their Workmen

The General Secretary
MbPT Diploma Engineers Association,
Nirman Bhavan, 4th Floor,
Dockyard, Mazgaon,
Mumbai -400 010

1. Shri Satheesh S. Pillai, AEE
O/o. The Dy. Chief Engineer
(Construction Division),
4th Floor, Vijaydeep Building,
S. V. Marg, Ballard Estate,
Mumbai - 400 001
2. Shri M. M. Waghela, AEE
O/o. The Superintending Engineer
(General Works Northern Division),
Mumbai Port Trust,
Br. Nath Pai Marg,
Kalachowki, Mumbai - 400 033
3. Shri V.R. Pawar, AEE
O/o. The Executive Engineer,
(Railway Engineer Section),
Mumbai Port Trust,
Nirman Bhavan, Muzawar Pakhadi Road,
Mazgaon, Mumbai - 400 010
4. Shri Bidadhar Thakur, AEE
O/o. The Dy. Chief Engineer
(Construction Division),
4th Floor, Vijaydeep Building,
S. V. Marg, Ballard Estate,
Mumbai - 400 001

APPEARANCES :

For the Employer	: Mr. Umesh Nabar, Advocate
For the Union	: Mr. J.H. Sawant
For the Impleaded Party	: Ms. Gayatri Singh, Ms. Bhavana Mhatre, Advocates

Mumbai, dated the 28th July, 2014

AWARD

The Government of India, Ministry of Labour and Employment by its By Order No. L-31011/1/2009-IR (B-II), dated 10-9-2009 in exercise of the powers conferred by clause (d) of sub-section (1) and sub-section 2(A) of

Section 10 of the Industrial Disputes Act, 1947 have referred the following industrial dispute to this Tribunal for adjudication :

“Whether the action of the management of Mumbai Port Trust in scrapping the panel of 18 Diploma Engineers who have passed the departmental examination for the post of Assistant Executive Engineer is legal and justified ? To what relief the workman concerned is entitled ?”

2. After receipt of the reference, notices were issued to both the parties. In response to the notice, second party union has filed its statement of claim at Ex-5. According to the second party the workmen enlisted in the reference are all diploma holders and had appeared and passed the examination to the promotional post of Assistant Executive Engineer. Therefore as per rule, waiting list for the promotional post was prepared as per the seniority and these 18 workmen were in the said list prepared in the year 1999. Out of these 18 workmen the workmen at sr. no. 8 and 16 have been already promoted and workman at sr. no. 2 has resigned from service. The reference is only in respect of these 15 workmen whose names were reflected in the waiting list for the promotion to the post of Assistant Executive Engineer. Candidates selected thereafter were to be promoted after the waiting list is exhausted. However Chief Engineer by his letter dt. 6-6-2007 informed the union that the Chairman MbPT by his order dt. 12-9-2002 has scrapped the waiting list of the year 1999 and Chief Engineer has declared fresh examination for the post of promotion to Assistant Executive Engineer.

3. The waiting list of the year 1999 was scrapped arbitrarily, unlawfully, unreasonably in colourable exercise of power and without following the lawful procedure and the procedure laid down under Section 9A of the I.D. Act 1947 and has also violated the mandatory rights ensured by Article 14 and 16 of Constitution of India. These 15 workmen were given discriminatory treatment by the first party and caused monetary loss. Therefore the union has raised the industrial dispute. As conciliation failed, on the report of ALC (C), the Central Labour Ministry has sent the reference to this Tribunal. The union therefore prays for declaration that the action of the first party scrapping the waiting list of the year 1999 be declared illegal and unjustified. The union also prays that the employees in the waiting list of 1999 be directed to be promoted to the post of Assistant Executive Engineer with all consequential benefits, cost and compensation. The union also prays to direct the first party to cancel all promotions given to the workmen in the post of Assistant Executive Engineer, Mumbai Port Trust whose names are not appearing in the waiting list of the year 1999 and were promoted thereafter. The union also prays that the first party be directed to operate the waiting list of 1999 only till it is fully exhausted.

4. The first party resisted the statement of claim vide its Written statement at Ex-6. According to them the list was scrapped in the year 2002 and intimation thereof was given to the second party union by its letter dt. 16-10-2002. The second party has not challenged the said decision of the first party till 2007. It is further contended that S/Shri M. M. Waghela, Bidyadhar Thakur and V. R. Pawar the employees belonging to SC/ST Category holding the posts of Jr. Engineer, Grade-I. They made representation to the Chairman vide their petition dt. 10-10-2000 that they were not allowed to appear for the departmental examination for promotion to the post of Assistant Executive Engineer as they were falling short of only 6 months for completing the required 8 years' service for being eligible to appear for the exam. They also complained that there was large panel of 27 candidates in the waiting list of the year 1999 which was not based on vacancies likely to arise during next 3 years and would deprive SC/ST candidates like them from getting opportunity to qualify for the post of Assistant Executive Engineer. They also pointed out that they would not get opportunity to qualify for the post during next 20/25 years. Therefore they have prayed that large panel/waiting list prepared in the year 1999 without taking into consideration the prospective vacancies in the next 3 years be scrapped. They also represented their case through SC/ST and OBC Welfare Association. In these circumstances and in the light of relevant provisions of rules and regulations the waiting list was required to be reviewed. As per the rules for promotion of Class-III employees to the post of Assistant Executive Engineer the examination has to be held once in every three years or earlier if necessary with the approval of the Chairman of the first party. As per the said rules the waiting list cannot be for indefinite period and has to be exhausted/scrapped after lapse of period of 24 months. 20% Quota reserved for departmental candidates was exhausted after the promotion of the six empanelled Class-III employees to the post of Assistant Executive Engineer. The panel of employee prepared in March 1999 was more than three years old. Considering the rules and regulations the Chairman vide his order dt. 5-9-2002 scrapped the list of 1999 which was more than 3 years old and declared fresh examination. The decision of the Chairman was communicated to the Chief Engineer by Manager (SOM) by letter dated 12-9-2002. It was also intimated to the second party and SC/ST & OBC Association vide its letter dt. 16-10-2002. The second party union has no locus-standi to challenge the promotions affected by the first party management. The first party has not committed any illegality in scrapping the list. The reference is not tenable as the other employees who are promoted after 2002 and whose seniority is likely to be affected are not made parties to this reference. The first party therefore prays that the reference be dismissed with cost.

5. By way of amendment S/Shri Satheesh S. Pillai, M. M. Waghela, V. R. Pawar and Bidyadhar Thakur, Assistant

Executive Engineer were impleaded as second party no. 2 to this reference. They resisted the statement of claim vide their written statement at Ex-42. According to them the first party has prepared exorbitant select list of 27 candidates for promotion to the post of Assistant Executive Engineer. However the vacancies were very less and the said list would not have been exhausted even in the period of next ten years. Furthermore these workmen were from SC/ST category and they could not appear for the examination as they fall short by six months of eligible service of 8 years to appear for the examination. Had the 1999 list been continued their way of promotion would have been locked as many candidates from the list were junior to them by age. Therefore the SC/ST Association made a representation to the Chairman, After considering their representation the Chairman has taken the decision to scrap the list. Accordingly in 2002 the Chairman has scrapped the list and informed all the concerned. By the time, out of 27 candidates, only six candidates were promoted. The decision of the Chairman was just and proper. The second party no. 1 was informed about the decision in October 2002. However they did not raise any objection thereto till 2007. The second party no. 1 kept on shifting their stand as per their convenience without any consistency in their approach and their attitude. On the promotion issue they took different stances at different time suiting to their perceived expediency to procrastinate the conduct of departmental examination.

6. The reference has become stale and time barred due to inordinate delay of five years. Meanwhile administration found it difficult to carryout day to day work. Therefore they resorted to ad-hoc appointment to the five vacant posts of Assistant Executive Engineer on the basis of service seniority of Diploma Engineers. The first party has filled up six posts of direct recruitment vacancies. The second party no. 1 suprisingly demanded to fill up the promotion vacancies/ad-hoc vacancies/temporary vacancies/leave vacancies from the select list prepared in 1999 which was scrapped in 2002. They raised this demand after almost period of six years. As ad-hoc vacancies could not be continued forever as per the Government guidelines a decision was taken by the management to hold departmental examination in 2009 to fill up the three vacancies of promotion post of Assistant Executive Engineer. Accordingly examination was conducted and list of seven candidates including the three candidates of second party no. 2 were immediately appointed in March 2009 against existing three vacancies and fourth one, Bhayandar Taluka was appointed in December 2009. The second party no. 1 created obstruction in conducting examination in 2006, 2007 and 2008 which was finally conducted in 2009. The second party had given strike notice, therefore matter was referred to RLC for conciliation. In conciliation proceeding second party no. 1 had agreed for examination. Therefore management had postponed the date of examination. In spite of that the

members of the second party no. 1 did not appear for the examination. The second party no. 1 is not interested in securing promotion by merit but are keen to hold posts through backdoor entry. Therefore the second party no. 2 prays that the reference be dismissed with cost.

7. Following are the issues for my determination. I record my findings thereon for the reasons to follow :

Sr. No.	Issues	Findings
1.	Whether employees involved in the reference deserve post of Assistant Executive Engineers ?	Yes
2.	Whether action taken by first party in scrapping the names of these employees for the post of Assistant Executive Engineers is legal and justified ?	No.
3.	Whether employees involved in the reference are entitled for the reliefs sought	As per order below
4.	What order ?	As per order below.

REASONS

Issue No. 1 & 2 :

8. In this respect it was submitted on behalf of second party no. 1 that the first party in the year 1999 had prepared big list quite disproportionate to the expected vacancies. The said list would not have been exhausted even after ten years and some of the employees i.e. the workman representing second party no. 2 who are from SC/ST category would not have got the change of promotion. It is further submitted that as per the rules, select list of candidates due for promotion has to be prepared after every three years. Therefore it was submitted on behalf of the second party no. 2 that the scrapping of list prepared in the year 1999 after the period of three years was quite just, proper and legal. In this respect it was submitted on behalf of the second party no. 1 that legality of scrapping the list after the period of three years can be examined afterwards. According to them the way the first party or the Chairman has scrapped the list was in violation of Section 9-A of Industrial Disputes Act. It was pointed out on behalf of the second party no. 1 that the select list for promotion was prepared by the management by taking examination of the eligible candidates. The result of examination was declared and the candidates who passed the written and oral examination. Their select list was prepared as per the seniority and the promotion was to be given as per the vacancies of the post of Assistant Executive Engineer. It was the practice followed in past years. According to the list was prepared and without giving promotion to these

candidates that list was scrapped. According to the Id. adv. for the second party no. 1 while scrapping the list of selected candidates neither notice was given to them nor opportunity of hearing was given to them. Under Section 9-A of Industrial Disputes Act notice was necessary as the interest of the workmen under reference was affected by scrapping the list. It was submitted that in such circumstances the order of scrapping the list is void and illegal as it is in violation of Section 9-A of the Industrial Disputes Act. In support of his argument Id. adv. for the second party no. 1 resorted to Bombay High Court ruling in Food Corporation of India Employee Association Vs. FCI (CDJ 1990 BHC 286). In that case in respect of any change in the service conditions the Hon'ble Court in para 8 of the judgement observed that :

"A notice will have to be given to the workmen in compliance with the provisions of Section 9-A of the Industrial Disputes Act."

9. The first party management in this case has scrapped the list of candidates who were eligible and have passed the requisite examination without giving them notice or hearing. Therefore the scrapping of the list by the Chairman/management cannot be called legal and valid.

10. In this respect the management as well as the second party no. 2 have contended that the second party no. 2 made a representation to the management that at the time of examination the members of second party no. 2 were not eligible to appear for the said examination as their service was short of six months. Therefore after the select list was prepared they made representation that the said select list would last for about 10 years and some of them would not get the promotion at all. Therefore the management has scrapped the list and decided to hold fresh examination to prepare another select list. In this respect the Id. adv. for the second party no. 1 has submitted that while preparing the earlier list the workman of second party no. 2 were not eligible to appear for the examination. Therefore they have no locus standi to challenge the select list and the management ought to have rejected their representation. In support of his argument the Id. adv. resorted to Division Bench ruling of Bombay High Court in Dyaneshwar Purushottom Kudalkar (Dr.) Vs. Union of India & Ors. In such circumstances on the point Hon'ble Court in para 18 of the judgment observed that :

".... if the petitioner was not eligible for appointment, he could not be considered to be as aggrieved for the purpose of issuing a mandamus. Only because candidates were wrongly considered by the Selection Committee that cannot give any right to the petitioner to challenge the selection process, when the petitioner was not eligible to be considered."

11. In the light of these observations the Id. adv. for the second party no. 1 rightly submitted that the workman of second party no. 2 were not eligible to appear when the examination was held. Therefore they have no locus standi

to challenge the select list and make any representation there against the first party. In short, the first party has wrongly considered the representation of the second party No. 2 Secondly they have scrapped the select list of 1999 without giving notice to the concerned candidates who were in the list. It amounts to violation of provisions of Section 9-A of Industrial Disputes Act. Therefore I hold that the action of the management in scrapping the select list of the year 1999 is illegal. The candidates in that list were eligible for the promotion of Assistant Executive Engineer. Therefore the select list was prepared. As the action of the management scrapping the select list is unjust and illegal, these candidates are entitled to be appointed to the post of Assistant Executive Engineer as per the vacancies and as per the earlier rules. Accordingly I decide this issue No. 1 in the affirmative and answer the issue No. 2 in the negative. Thus I proceed to pass the following order :

ORDER

- (i) The reference is allowed with no order as to cost.
- (ii) The action of the management in scrapping the list of 1999 is declared illegal and void.
- (iii) The management is directed to appoint the candidates from select list as per the available vacancies and fill up the backlog vacancies from the eligible candidates and as per the rules.

Date: 28-7-2014

K. B. KATAKE, Presiding Officer

नई दिल्ली, 30 अक्टूबर, 2014

का. आ. 2874.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार विशाखापत्तनम पोर्ट ट्रस्ट के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, श्रम न्यायालय, हैदराबाद के पंचाट (संदर्भ सं. 10/2006) को प्रकाशित करती है, जो केन्द्रीय सरकार को 31-10-2014 को प्राप्त हुआ था।

[सं. एल-39025/01/2010-आई आर (बी-II)]

रवि कुमार, डेस्क अधिकारी

New Delhi, the 30th October, 2014

S.O. 2874.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 10/2006) of the Cent. Govt. Indus. Tribunal-cum-Labour Court, Hyderabad as shown in the Annexure, in the industrial dispute between the management of Visakhapatnam Port Trust and their workmen, received by the Central Government on 30-10-2014.

[No. L-39025/01/2010-IR (B-II)]

RAVI KUMAR, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, AT HYDERABAD

PRESENT:

Smt. M. Vijaya Lakshmi, Presiding Officer

Dated the 4th day of July, 2013

M.P. No. 10/2006

BETWEEN:

Sri C. Jona Kumar,
G-3, Lalitha Nivas,
Balayya Sastry Layout,
P & T Colony (P.O.),
Visakhapatnam – 530 013

... Petitioner

AND

The Manager (Operations),
Visakhapatnam Port Trust,
Visakhapatnam

... Respondent

APPEARANCES :

For the Petitioner : M/s. B. Radha Krishna,
Advocate (Died)

For the Respondent : M/s. Alluri Krishnam Raju,
G Dinesh Kumar & D. Gopal
Reddy, Advocates

ORDER

This petition under Sec. 33 C(2) of the Industrial Disputes Act, 1947 has been filed by petitioner Sr. C. Jona Kumar, against the respondent Visakhapatnam Port trust, seeking for payment of certain amounts after his retirement under voluntary retirement scheme to a tune of Rs. 36,159 with 24% interest.

2. The contentions of the Petitioner in brief are as follows :

The workman has worked in the Respondent organization and he opted for his retirement under the voluntary retirement scheme by submitting an application in the year 1998. Accordingly workman was retired and got paid all the benefits of voluntary retirement scheme except the payment of three months notice pay. Hence, the petition.

3. Respondent filed their counter with the averments in brief as follows :

Government of India issued intructions vide letter dated 29-10-1992 wherein it is clarified that "in circumstances where the management takes time to

take a decision about the acceptance of an application whether or not to consider voluntary retirement scheme submitted by the employee allows the notice period to lapse or the individual concerned has drawn full salary during the notice period served by him." Therefore the notice period will not be admissible as the Petitioner has already drawn the salary for the notice period. Hence, the petition is liable to be dismissed.

4. Case is posted for Petitioner's evidence.

5. At this stage, Petitioner called absent. In spite of giving fair opportunity Petitioner is not taking interest in the proceedings. In the circumstances, petition is dismissed.

Ordered accordingly.

Typed to my dictation by the Personal Assistant corrected and pronounced by me on this the 4th day of July, 2014

M. VIJAYA LAKSHMI, Presiding Officer

Appendix of evidence

Witness examined for the Petitioner	Witnesses examined for the Respondent
NIL	NIL

Documents marked for the Petitioner/Workman

NIL

Documents marked for the Respondent

NIL

नई दिल्ली, 30 अक्टूबर, 2014

का. आ. 2875.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार बैंक ऑफ बड़ोदा के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, श्रम न्यायालय, कोलकाता के पंचाट (संदर्भ सं. 40/2005) को प्रकाशित करती है, जो केन्द्रीय सरकार को 30-10-2014 को प्राप्त हुआ था।

[सं. एल-12011/78/2005-आई आर (बी-II)]

रवि कुमार, डेस्क अधिकारी

New Delhi, the 30th October, 2014

S.O. 2875.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 40/2005) of the Cent. Govt. Indus. Tribunal-cum-Labour Court,

Kolkata as shown in the Annexure, in the industrial dispute between the management of Bank of Baroda and their workmen, received by the Central Government on 30-10-2014.

[No. L-12011/78/2005-IR (B-II)]
RAVI KUMAR, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT,
AT KOLKATA

Reference No. 40 of 2005

PARTIES:

Employers in relation to the management of Bank of Baroda

AND

Their workmen

PERSONS:

Justice Dipak Saha Ray, Presiding Officer

APPEARANCE :

On behalf of the Management	: Mr. L. N. Mohanta, Chief Manager (HRM)
On behalf of the Workmen	: None

State : West Bengal Industry : Banking

Dated : 10th October, 2014

AWARD

By Order No. L-12011/78/2005-IR (B-II) dated 22-8-2005 the Government of India, Ministry of Labour in exercise of its powers under Section 10(1)(d) and (2A) of the Industrial Disputes Act, 1947 referred the following dispute to this Tribunal for adjudication :

"Whether the action of the management of Bank of Baroda (WB & Sikkim), 2/7, Sarat Bose Road, Kolkata-700020 in imposing the punishment of removal from the bank service with superannuation benefits and without disqualification of future employment on Sh. Suresh Balmiki, Safai Karamachari is legal and justified? If not, what relief the workman concerned is entitled to?"

2. When the case is taken up today, none appears on behalf of the union, though the management is represented by its authorized representative. It appears from the record that the union remained absent for the last three consecutive dates.

3. Considering the above facts and circumstances, it appears that the union is not at all interested to proceed

with the case further. So, no useful purpose will be served keeping in the matter pending.

4. Accordingly, the instant reference case is disposed by passing a "No Dispute Award".

Justice DIPAK SAHA RAY, Presiding Officer

ated, Kolkata,
the 10th October, 2014

नई दिल्ली, 30 अक्टूबर, 2014

का. आ. 2876.—औद्योगिक विवाद अधिनियम, 1947 (1947 (14) की धारा 17 के अनुसरण में केन्द्रीय सरकार विशाखापत्तनम पोर्ट ट्रस्ट के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक धारण, श्रम न्यायालय, हैदराबाद के पंचाट (संदर्भ सं. 7/2009) प्रकाशित करती है, जो केन्द्रीय सरकार को 30-10-2014 को प्राप्त हुआ था।

[सं. एल-39025/01/2010 आई आर (बी-II)]
रवि कुमार, डेस्क अधिकारी

New Delhi, the 30th October, 2014

S.O. 2876.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 7/2009) of the Cent. Govt. Indus. Tribunal-cum-Labour Court, Hyderabad as shown in the Annexure, in the industrial dispute between the management of Visakhapatnam Port Trust and their workmen, received by the Central Government on 30-10-2014.

[No. L-39025/01/2010-IR (B-II)]
RAVI KUMAR, Desk Officer

ANNEXURE

**BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT,
AT HYDERABAD**

PRESENT:

Smt. M. Vijaya Lakshmi, Presiding Officer

Dated the 4th day of July, 2014

M.P. No. 7/2009

BETWEEN:

Sri N. S. Prakasa Rao,
39-33-29, MIG 173/A,
Madhavadara VUDA Colony,
Marripalem (PO),
Visakhapatnam - 530 018

... Petitioner

253 47/14-8

AND

Traffic Manager
Visakhapatnam Port Trust,
Visakhapatnam

... Respondent

APPEARANCES :

For the Petitioner : M/s. M. B. Rao,
Advocate

For the Respondent : M/s. Alluri Krishnam Raju,
G. Dinesh Kumar & D. Gopal
Reddy, Advocates

ORDER

This petition under Sec. 33 C(2) of the Industrial Disputes Act, 1947 has been filed by petitioner Sr. N. S. Prakasa Rao, against the respondent Visakhapatnam Port Trust, seeking for payment of certain amounts after his retirement under voluntary retirement scheme to a tune of Rs. 33,698 with 24% interest.

2. The contentions of the Petitioner in brief are as follows :

The workman has worked in the Respondent organization and he has opted for his retirement under the voluntary retirement scheme by submitting an application in the year 2005. Accordingly workman was retired and got paid all the benefits of voluntary retirement scheme except the payment of three months notice pay. Hence, the petition.

3. Respondent filed their counter with the averments in brief as follows :

While the Petitioner was working in the organization he applied for grant of retirement under voluntary retirement scheme, which was considered after lapse of some time and he received salary till he was relieved from service. Therefore the notice period will not be admissible as the Petitioner has already drawn the salary for the notice period. Hence, the petition is liable to be dismissed.

4. Case is posted for Petitioner's evidence.

5. At this stage, Petitioner called absent. No representation. In spite of giving fair opportunity Petitioner is not taking interest in the proceedings. Hence, petition is dismissed.

Ordered accordingly.

Typed to my dictation by the Personal Assistant corrected and pronounced by me on this the 4th day of July, 2014

M. VIJAYA LAKSHMI, Presiding Officer

Appendix of evidence

Witnesses examined for the Petitioner Witnesses examined for the Respondent

NIL

NIL

Documents marked for the Petitioner/Workman

NIL

Documents marked for the Respondent

NIL

नई दिल्ली, 30 अक्टूबर, 2014

का. आ. 2877.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार विशाखापत्तनम पोर्ट ट्रस्ट के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, श्रम न्यायालय, हैदराबाद के पंचाट (संदर्भ सं. 9/2006) को प्रकाशित करती है, जो केन्द्रीय सरकार को 30-10-2014 को प्राप्त हुआ था।

[सं. एल-39025/01/2010-आई आर (बी-II)]

रवि कुमार, डेस्क अधिकारी

New Delhi, the 30th October, 2014

S.O. 2877.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 9/2006) of the Cent. Govt. Indus. Tribunal-cum-Labour Court, Hyderabad as shown in the Annexure, in the industrial dispute between the management of Visakhapatnam Port Trust and their workmen, received by the Central Government on 30-10-2014.

[No. L-39025/01/2010-IR (B-II)]

RAVI KUMAR, Desk Officer

ANNEXURE

**BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT,
AT HYDERABAD**

PRESENT:

Smt. M. Vijaya Lakshmi, Presiding Officer

Dated the 4th day of July, 2014

M.P. No. 9/2006

BETWEEN:

Sri M. Srinivasa Rao,
D. No. 22-73-8/5,
Sita Rama Swamy Temple Street,
Visakhapatnam – 530 013

... Petitioner

AND

FA & CAO,
Visakhapatnam Port Trust,
Visakhapatnam

... Respondent

APPEARANCES:

For the Petitioner : M/s. B. Radha Krishna,
Advocate (Died)

For the Respondent : M/s. Alluri Krishnam Raju,
G Dinesh Kumar & D. Gopal
Reddy, Advocates

ORDER

This petition under Sec. 33 C(2) of the Industrial Disputes Act, 1947 has been filed by petitioner Sri. M. Srinivasa Rao, against the respondent Visakhapatnam Port Trust, seeking for payment of certain amounts after his retirement under voluntary retirement scheme to a tune of Rs. 47,208 with 24% interest.

2. The contentions of the Petitioner in brief are as follows:

The workman has worked in the Respondent organization and he has opted for his retirement under the voluntary retirement scheme by submitting an application in the year 2003. Accordingly workman was retired and got paid all the benefits of voluntary retirement scheme except the payment of three months notice pay. Hence, the petition.

3. Respondent filed their counter with the averments in brief as follows:

While the Petitioner was working in the organization he applied for grant of retirement under special VRS vide his representation dated 1-8-2003 duly giving an undertaking in his application that he will not claim 3 months notice pay if his name is considered for VRS under the said scheme. He was relieved from service w.e.f. 1-11-2003 and he received salary till he was relieved from service. Therefore the notice period will not be admissible as the Petitioner has already drawn the salary for the notice period. Hence, the petition is liable to be dismissed.

4. Case is posted for Petitioner's evidence.

5. At this stage, Petitioner represented that he is not pressing his case as the counsel who represented him in this case Sri Radhakrishna passed away. Since the Petitioner not pressed this petition, petition is dismissed.

Ordered accordingly.

Typed to my dictation by the Personal Assistant, corrected and pronounced by me on this the 4th day of July, 2014.

M. VIJAYA LAKSHMI, Presiding Officer

Appendix of evidence

Witness examined for the Petitioner	Witnesses examined for the Respondents
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NIL

NIL

Documents marked for the Petitioner/Workman

NIL

Documents marked for the Respondent

NIL

नई दिल्ली, 31 अक्टूबर, 2014

का. आ. 2878.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार महाप्रबंधक, दूरसंचार, बीएसएनएल के प्रबंधन के संबंध में निोजकों और उनके कर्मचारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय, नागपुर के आदेश (संदर्भ संख्या CGIT/NGP/100/2005) को प्रकाशित करती है, जो केन्द्रीय सरकार को 30-10-2014 को प्राप्त हुआ था।

[सं. एल-40012/19/2005-आई आर (डीयू)]

पी. के. वेणुगोपाल, अनुभाग अधिकारी

New Delhi, the 31st October, 2014

S.O. 2878.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (I.D. Case No. CGIT/NGP/100/2005) of the Central Government Industrial Tribunal-cum-Labour Court, Nagpur now as shown in the Annexure, in the industrial dispute between the employers in relation to the management of the General Manager, Telecom, BSNL and their workmen, which was received by the Central Government on 30-10-2014.

[No. L-40012/19/2005-IR (DU)]

P. K. VENUGOPAL, Section Officer

ANNEXURE

**BEFORE SHRI J. P. CHAND,
PRESIDING OFFICER, CGIT-CUM-
LABOUR COURT, NAGPUR**

Case No. CGIT/NGP/100/2005 Date: 10-10-2014

Party No. 1 : The General Manager, Telecom
BSNL, Distt. Bhandara – 441904

Versus

Party No. 2 : Shri Murlidhar S/o Gopalrao Chakole,
R/o Murmadi-Lakhani, Tah. Lakhani,
Distt. Bhandara (MS).

AWARD

((Dated : 10th October, 2014))

In exercise of the powers conferred by clause (d) of sub-section (1) and sub-section 2(A) of Section 10 of Industrial Disputes Act, 1947 (14 of 1947) ("the Act" in short), the Central Government had referred to CGIT-Cum-Labour Court, Mumbai-II the industrial dispute between the employers, in relation to the management of BSNL, Distt. Bhandara and their workmen, Shri Murlidhar Chakole, for adjudication, as per letter No. L-40012/19/2005-IR (DU) dated 22-7-2005, with the following Schedule :

"Whether the action of the management of M/s. Bharat Sanchar Nigam Ltd., Bhandara (MS) in terminating the services of Shri Murlidhar S/o. Shri Gopalrao Chakole, Casual Mazdoor without following the provisions of Industrial Disputes Act is proper and justified ? If not, to what relief the said workman is entitled ?"

Subsequently, the case was transferred to this Tribunal for adjudication in accordance with law.

2. On receipt of the reference, the parties were noticed to file their respective statement of claim and written statement and accordingly, the workman, Shri Murlidhar Chakole, ("the workman" in short), filed the statement of claim and the management of BSNL, ("Party No. 1" in short) filed their written statement.

The case of the workman as presented in the statement of claim is that he was engaged and appointed by the Party No. 1 as a labourer in the year 1982 and he worked continuously till August, 1991 at Bhandara and he performed his duties to the utmost satisfaction of his superiors and as per the directions of the superior officers, he used to dig pits for erection of poles and to assist the officials to repair the faulty telephone lines and he suffered from Hyper Acidity and became ill and remained under the treatment of Dr. M. V. Bawankule of Murmadi (Lakhani) from 1-9-1991 to 31-12-1994 and as such, he could not able to attend his work and the said fact was duly intimated to the concerned superior officers, under whom he was working and after his recovery from illness, he approached the Party No. 1 on 2-1-1995, as 1-1-1995 was a Sunday and he was asked to wait till 15-2-1995 to join duty, with the assurance that a written order would be sent to him for the same and as no letter was received by him, he visited the office of the Party No. 1 time and again and requested to allow him to join duty, but every time, he was told that he would be informed about the same in writing and then only, he could join duty and ultimately, he received a letter from Party No. 1 on 31-5-1995, in which he was asked to join duty and accordingly, he attended the office of Party No. 1 on 2-6-1995, with a written joining report-cum-requested letter and he also submitted the medical certificate and other relevant papers in the office of Party No. 1 and on his said letter, an endorsement was made by the officer of Party No. 1, directing the sub-ordinate officer to allow him to join as per the instructions of the sub-divisional

engineer but the officer be posted at J.T.O. Bhandara and accordingly, he approached the J.T.O., but the J.T.O. refused to allow him to join duty, so he brought the fact to the notice of the concerned officers of Bhandara Telecom and he was told that another letter would be sent to him and after receipt of the same, he would join in service and after 2-6-1995, he visited the office of Party No. 1 several times and every time, he was given assurance only and believing on the assurance, he visited the office of Party No. 1 again and again till 1999 and in 1999, he was told that as per Government's directions, his continuance in service would not be possible and he should wait for some more time and likely he would be absorbed in the year 2000 or 2001, so he stated to visit the office of the Party No. 1 again and on 21-8-2001, he came to know that orders of continuation and absorption were being issued by Party No. 1 and on making enquiry, he was told that his name is under considerations and some workers, who were juniors to him were absorbed and joined the service of Party No. 1 in clear vacancies during the last months of 2001, but his name was not considered.

The further case of the workman is that thereafter also, he continued to visit the office of the Party No. 1 and every time, he was given assurance only and letters sent by him were neither received nor acknowledged by the Party No. 1 and the same were returned back to him and in the month of October, 2003, he was again given assurance for his absorption, but he was not absorbed, even though most junior workers were taken on work and he had completed more than 240 days continuous service in each year and as he was not allowed to join duty, the same can be treated as illegal termination of his services and colourable exercise of powers by Party No. 1 and in fact, it is a case of victimization and he was a workman and Party No. 1 was his employer and he issued a registered notice through his advocate on 17-12-2003, which was received by Party No. 1 and after issuance of the said notice, he visited the office of Party No. 1 and he was promised that in the month of April, 2004, his claim would be considered and as his case was not considered as promised, he approached the Assistant Labour Commissioner (Central) Nagpur for redressal and as the conciliation failed, the dispute has been referred by the Central Government to the Tribunal for adjudication.

The further case of the workman is that he worked for the whole year in 1982-83, after his appointment on 10-8-1982, for the whole year in 1983-84, 1984-85, 1985-86, 1986-87, 1987-88, 1988-89, 1989-90, 1990-91 and from 1-4-1991 to 31-8-1991, but in the statement issued by the Party No. 1 for the regularisation of the employees in 'V' phase i.e. in the regularisation statement, deliberately Party No. 1 showed him to have worked for 223 days in 1983-84, 114 days in 1984-85, 201 days in 1985-86, remained absent for the whole year in 1986-87 and 1987-88 worked for 233 days in 1988-89, 352 days in 1989-90, 343 days in 1990-91 and

126 days in 1991-92 and the figures of his working days mentioned in the regularisation statement by Party No. 1 were quite false and the same can be found by comparing the regularisation statement and another statement issued by Party No. 1 and in the regularisation statement, Party No. 1 showed him of remaining absent for the whole year in 1986-87, but in another statement issued by the Party No. 1 itself, he was shown to have worked for 903 days from August, 1982 to September, 1986 and to have worked from January, 1986 to September, 1987 and he was ill and under medical treatment from 1-9-1991 to 31-12-1994, which fact is supported by the medical certificate filed on record and he could not be able to attend duties for the said years due to bona fide and genuine reasons, but with ill intention and ill motive and in spite of due intimation of the same to Party No. 1, deliberately showed him absconding and the regularisation statement shows that total 19 posts were sanctioned by CGMT, Maharashtra Circle, Bombay and his name shown at serial No. 11 against the sanctioned posts and if the date of first appointment of all the 19 employees is considered, then his name should have been at serial No. 3 as per the seniority and injustice was caused to him by Party No. 1 and junior employees were regularized and continued in work and his claim was ignored deliberately and though he has a genuine, legal and rightful claim to have service in the Telecom Department, he had been deprived of the same without any fault on his part and the acts committed by the Party No. 1 amounted to unfair labour practice and he is entitled for reinstatement in service with continuity, full back wages and other service benefits.

3. The Party No. 1 in the written statement, after denying the adverse allegations made in the statement of claim, has pleaded inter-alia that the workman has wrongly added the Chief General Manager, Telecom and Telecom District Manager, Bhandara as parties in the statement of claim, even though they were not made parties in the reference order dated 22-7-2005 of the Central Government and the workman was engaged as a casual labourer, on daily wages, on muster roll on 10-8-1982 and he carried out the work intermittently, as per the requirement of the project work of "line erecting" and when ever work was available, the workman was given work and when ever work was not available, he was asked to go back and the workman accepted the said manner/mode of working without any objection and worked with it and the workman was also made aware of the temporary nature of his work and the workman was not appointed as casual labourer in 1982 and he did not work continuously till August, 1991 and the workman had never intimated it about his alleged illness or that he was bed ridden and therefore could not attend his work and the workman never submitted any application for leave on medical ground and the post of Telecom District Manager, Bhandara was created in the year 1996 and the first Telecom District Manager took over

charge on 28-10-1996 and as such, the allegations of neglecting the Telecom District Manager by the workman on 1-1-1995 are totally false to his own knowledge and the same are imaginary and mere concoction and the workman was absconding from 1-9-1991 and his case is covered under section 2 (oo) (bb) of the Act and he has come with the false story that, "he used to visit its office for getting the job and that he was told that he would be informed in writing and then alone, he can join the duties and he received the letter dated 31-5-1995 asking him to join duty on 2-6-1995" and after such a long gap in the service, it had no power to engage the workman again with continuity of service or otherwise, because of the ban on fresh engagement of the casual labourers and the Chief General Manager, BSNL, Maharashtra Telecom has power to condone the break of service of one year only, on medical ground and not beyond that and the workman did not apply for condonation to the said break and the service of the workman came to an end automatically for break in service by remaining absent voluntarily for a period of 4 years and there is no merit in the claim and the reference is liable to be dismissed.

It is also pleaded by the Party No. 1 that the claim raised by the workman is quite belated and stale and therefore, is liable to be dismissed and it had never made any endorsement or directed its subordinate officer to allow the workman to join duty and be posted at JTO, Bhandara and it appears from record that it was the workman, who had prepared a letter in the name of SDOT, Bhandara and requested for employment and the SDOT, Bhandara has no power to deal with the request letter and the allegations levelled against it are nothing but afterthought and imaginary and the said letter was manipulated by making endorsement at the back of the letter and it is also false to say that the workman visited its office right from June, 1995 to 1999 and all the allegations made in the statement of claim are false and such allegations have been made with malafide intention to hide that he was not absconding and he was denied joining of work by it and the workman had not completed 240 days continuous service in any year and the legal notice issued by the workman was not sent to the appropriate authority and as such, the said notice was not a proper notice and the workman was never assured that he would be absorbed in April, 2004 and the provisions of Section 25-B of the Act do not apply to the case of the workman and this is a case of abandonment of service and not a case of retrenchment and circular of Department of Telecommunications, Ministry of Communication, Govt. of India, Memo No. 269-4/93-STN-II dated 12-2-1999 was issued for regularisation of temporary status casual mazdoor and in the said circular, the condition for regularisation of the temporary status casual mazdoor to the post of regular mazdoor was that the casual labourers should have been engaged prior to 30-3-1985 and should have completed 10 years of service

till 31-3-1995 and it was decided by the Telecom Commission as one time measure on special consideration to create the regular mazdoor post for regularizing the casual labourers (grant of temporary status and regularisation) Scheme 1989, for those, who had completed 10 years of service as on 31-3-1995 and from the chart prepared by it, for regularisation in Phase-IVth it can be found that the workman had not completed 10 years of service and the regularization of the workman was not justified as per the above circular and in the premises aforesaid, the reference made by the Government is wrong and illegal and not sustainable under law and the workman is not entitled to any relief.

4. No rejoinder has been filed by the workman.

5. Besides placing reliance on documentary evidence, both the parties have led oral evidence in support of their respective claims.

The workman has examined himself as a witness in order to prove the stands taken by him.

One Shri Mahadeo Gadpayle, A.G.M. (Admn. & Marketing) of Party No. 1 has been examined as a witness on behalf of the Party No. 1.

6. The workman in his evidence on affidavit has reiterated facts mentioned in the statement of claim. However, in his cross-examination, the workman has admitted that in the year 1982, he was engaged by Telecom Department on daily wages for erection of telephone line and no appointment order was issued by the Telecom Department in his favour and in his affidavit, he has mentioned that he was ill from 1-9-1991 to 31-12-1994 and therefore, he did not attend his work and he has not filed the letter dated 31-5-1995 on record, about which he has mentioned in paragraph 4 of his affidavit and no written order was given to him for his absorption in 2000-01 and Telecom Department never gave him assurance in writing for his absorption in future and he had not given any application to the Chief Manager, Telecom Department to condone the delay and to absorb him in service of the Telecom Department. The workman has denied the suggestions that he was not engaged continuously and his engagement was as and when required and he performed the work on daily wages after accepting the condition that he would be engaged as and when there would be work to be done.

7. The evidence of the witness examined on behalf of the Party No. 1 on affidavit is more or less in the same line, that has been taken to Party No. 1 in the written statement. In his cross-examination, the witness for Party No. 1 has stated that the workman was selected for his engagement as a casual labourer after due interview and there was no office of T & M at Bhandara in the year 1995 and it was established in 1996, so, the question of giving of application by the workman to the T&M, Bhandara in 1995 does not arise.

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8. During the course of argument, it was submitted by the learned advocate for the workman that the workman was engaged and appointment by Party No. 1 in 1982 and he worked till August, 1991 at Bhandara and unfortunately, he fell ill due to hyper acidity and was under the treatment of Dr. M. V. Bawankule of Murmadi (Lakhani) from 1-9-1991 to 31-12-1994 and could not able to attend his work and the said fact was duly intimated to the superior officers, under whom he was working and after his recovery from illness, the workman approached the authority on 2-1-1995 to allow him to join duties, but he was not allowed to join duty and on 2-6-1995, the workman submitted medical certificate and other documents in the office of the Party No. 1 and inspite of repeated approach of the workman and so also the assurance given by the authority, the workman was not taken back in work and the workman had completed more than 240 days of work in each year and he was entitled for regularisation in service, but he was illegally terminated from service without any reason and he was victimized and Ext. W-1 clearly shos that 19 posts were sanctioned by the competent authority for regularisation of the casual workers and the name of the workman was at serial number 11, though it should have been at serial No. 3, in case of taking the initial date of employment of the workers, but Party No. 1 did not regularize the workman illegally and regularized his juniors in colourable exercise of power and by adopting unfair labour practice and the evidence of the witness for Party No. 1 in paragraph 9 of his affidavit clearly proves the case of the workman and the workman is entitled for reinstatement in service with continuity and full back wages.

9. Per contra, it was submitted by the learned advocate for the Party No. 1 that the reference for adjudication of the dispute of termination of the services of the workman, but the factual matrix on record by way of evidence proves that the workman voluntarily abandoned the service, which amount to voluntary resignation and the workman has failed to proved the alleged termination and for that the reference is to be answered in the negative. It was further submitted by the learned advocate for the Party No. 1, the claim of the workman is a stale and belated claim and as such, the same is not entertainable as per the settled law and the documents, Ex. M-II shows that there was ban for recruitment of casual workman from 22-6-1988 and the document, Ext. W-1 filed by the workman shows that the workman was not considered for regularisation in Phase-IV, since he was absconding from the year 1991 and there was no violation of any provision of the Act and Party No. 1 did not adopt any unfair labour practice and the workman is not entitled to any relief.

10. Perused the record. Considered the submissions made by the learned advocates for the parties.

On perusal of the record, it is found that this reference has been made by the Central Government for adjudication

of the industrial dispute regarding the legality or otherwise of the termination of the services of the workman.

For better appreciaton, I think it proper to mention the definition of "retrenchment" as provided in the Act. The definition of "retrenchment" as provided in Section 2 (oo) of the Act is as follows :-

"retrenchment" means the termination by the employer of service of a workman for any reason whatsoever, otherwise than as a punishment inflicted by way of disciplinary action, but does not include -

- (a) Voluntary retirement of the workman; or
- (b) Retirement of the workman on reaching the age of superannuation if the contract of employment between the employer and the workman concerned contains a stipulation in that behalf; or
- (bb) "termination of the service of a workman as a result of the non-renewal of the contract of employment between the employer and the workman concerned on its expiry or of such contract being terminated under a stipulation in that behalf contained therein; or
- (c) Termination of the service of a workman on the ground of continued ill-health."

In this reference, it is the admitted case of the workman that from September, 1991 he did not attend work till 31-12-1994. According to the workman, he was suffering from hyper acidity during the said period and was under the treatment of Dr. M. V. Bawankule of Lakhni and he had intimated the said fact to the Authority, under whom he was working. However, except a Xerox copy of a certificate alleged to be granted by Dr. Bawankule, the workman has not filed any other document in support of his such illness. Not a single document has been filed by the workman to show that in between September, 1991 to 31-12-1994, he had intimated the authority concerned about his remaining absent from duty due to his illness. No original certificate issued by the said doctor has been filed. For fairness, perused the Xerox copy of the alleged medical certificate, even though, the workman has failed to prove the said documents as per law. On perusal of the said certificate, it is found that there is nothing in the said certificate to show as to when the same was issued. There is also nothing on the same that the workman was advised to take rest during the said period or that he was not in a position to work.

Though, it has been claimed by the workman that he was appointed by Party No. 1 in 1982, it is clear from the materials on records including the own admission of the

orkman that in 1982, the workman was engaged on casual basis on daily wages as and when required and he was never appointed by Party No. 1. It is also found that the workman voluntarily did not come to work from 1-9-1991 and remained absent till Party No. 1 started taking action for regularisation of some casual workers, who had completed 10 years of service in between 1-4-1994 to 1-3-1995. There is also no evidence on record to show that the workman approached the authority on 2-1-1995 to allow him to join duty. It is found from record that after preparation of the list by Party No. 1 as per Ext. W-1, the workman on 2/5-6-1995 for the first time approached the authority to allow him to join duty taking the ground that he was absent for his illness. From the materials on record, it is found that the workman has failed to show that due to his illness, he remained absent from 1-9-1991 till the date of his approaching the authority. So, it is clear from the evidence on record that the case of the workman is not at all a case of termination amounting to retrenchment as defined in the Act. The refusal of the Party No. 1 to allow the workman to join work in spite of the alleged assurance given if any does not amount to termination of service or retrenchment from service. Hence, the provisions of section 25-F of the Act read with Section 25-B of the Act are not applicable to his case.

11. The evidence on record including the own document filed by the workman i.e. Ext. W-1 shows that Party No. 1 regularized some casual workers against the 9 posts created by the competent authority in Phase-IV. One of the criteria for such regularisation was that the casual worker must have completed ten years of service from 1985 to in between 1-4-1994 to 31-5-1995. It is also found that the name of the workman was mentioned in serial no. 11 of the said list and it was remarked that since he was absent from 1991, he was not considered for regularisation in Phase-IV. So, there was no illegality in the action of the Party No. 1 in not regularizing the workman in service. Hence, it is ordered :-

ORDER

The reference is answered in the negative and against the workman. The workman is not entitled to any relief.

J. P. CHAND, Presiding Officer

नई दिल्ली, 3 नवम्बर, 2014

का. आ. 2879.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार महाप्रबंधक, श्री रंगविलास गिनिंग स्पिनिंग एंड वीविंग मिल्स, कोयम्बटूर के प्रबंध-तंत्र के संबद्ध नियोजकों और उनके कर्मचारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय, चेन्नई के पंचाट (संदर्भ संख्या 49/2013) को प्रकाशित करती है, जो केन्द्रीय सरकार को 3-11-2014 को प्राप्त हुआ था।

[सं. एल-42011/211/2012-आई आर (डीयू)]

पी. के. वेणुगोपाल, अनुभाग अधिकारी

New Delhi, the 3rd November, 2014

S.O. 2879.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (I.D. No. 49/2013) of the Central Government Industrial Tribunal-cum-Labour Court, Chennai now as shown in the Annexure, in the industrial dispute between the employers in relation to the management of General Manager, Sri Rangavilas Ginning, Spinning & Weaving Mills, Coimbatore and their workmen, which was by the Central Government on 30-11-2014.

[No. L-42011/211/2012-IR (DU)]

P. K. VENUGOPAL, Section Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, CHENNAI

Wednesday, the 15th October, 2014

PRESENT :

K. P. PRASANNA KUMARI, Presiding Officer

Industrial Dispute No. 49/2013

[In the matter of the dispute for adjudication under clause (d) of sub-section (1) and sub-section 2(A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947), between the Management of Rangavilas Ginning, Spinning and Weaving Mills and their workmen]

BETWEEN

The Secretary	:	1st Party/Petitioner
Coimbatore Erode District		Union
Dravida Panchalai Thozhilalar		
Munnetra Sangam (MLF)		
VKK Menon Road, Sidhdhapudur,		
Coimbatore-641044		

AND

The General Manager	:	2nd Party/Respondent
Sri Rangavilas Ginning		
Spinning & Weaving Mills,		
333, Avinashi Road,		
PO Box No. 1604, Peelamedu (Post),		
Coimbatore		

APPEARANCE :

For the 1st Party/Petitioner	:	M/s. Ramapriya Gopala-
Union	:	krishnan, Advocate
For the 2nd Party/	:	M/s. T. S. Gopalan & Co.,
Management	:	Advocates.

4253 47/14-10

AWARD

The Central Government, Ministry of Labour and Employment, vide its Order No. L-42011/211/2012-IR (DU) dated 15-4-2013 referred the following Industrial Dispute to this Tribunal for adjudication.

The schedule mentioned in that order is :

“Whether the action of the management of Sri Rangavilas Ginning, Spinning and Weaving Mills, Coimbatore in respect of not holding discussions with Petitioner Unions MLF, AITUC, ATP, HMS and BMS for workload settlement is justified or not ? To what relief the Petitioner Unions are entitled ?”

2. On receipt of Industrial Dispute this Tribunal has numbered it as ID 49/2014 and issued notices to both sides. Both sides have entered appearance through their counsel and have filed claim and counter statement respectively.

3. The case has been repeatedly posted for enquiry. However, the petitioner as well as the counsel are absent. The petitioner has not taken steps to proceed with the trial in spite of repeated postings and directions. So, it is to be presumed that the petitioner is not interested in proceeding with the case. Therefore the ID is closed.

The reference is answered accordingly.

(Dictated to the P.A. transcribed and typed by him, corrected and pronounced by me in the open court on this day the 15th October, 2014).

K. P. PRASANNA KUMARI, Presiding Officer

Witnesses Examined :

For the 1st Party/Petitioner Union : None
For the 2nd Party/Management : None

Documents Marked :**On the petitioner's side**

Ex. No.	Date	Description
Nil		

On the Management's side

Ex. No.	Date	Description
Nil		

नई दिल्ली, 5 नवम्बर, 2014

का. आ. 2880.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार डाक घर के वरिष्ठ अधीक्षक, डाक विभाग, धारवाड़ डिवीजन के प्रबंधन के संबंधित नियोजकों और उनके कर्मचारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम

न्यायालय, बंगलौर के पंचाट (संदर्भ संख्या C R No. 02/2012) को प्रकाशित करती है, जो केन्द्रीय सरकार को 3-11-2014 को प्राप्त हुआ था।

[सं. एल-40011/28/2010-आई आर (डीयू)]

पी. के. वेणुगोपाल, अनुभाग अधिकारी

New Delhi, the 5th November, 2014

S.O. 2880.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (I.D. Case No. CR No. 02/2012) of the Central Government Industrial Tribunal-cum-Labour Court, Bangalore now as shown in the Annexure, in the industrial dispute between the employers in relation to the management of the Senior Superintendent of Post Offices, Postal Department, Dharwad Division and their workmen, which was received by the Central Government on 3-11-2014.

[No. L-40011/28/2010-IR (DU)]

P. K. VENUGOPAL, Section Officer

ANNEXURE

**BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT,
BANGALORE**

Dated : 21st October, 2014

PRESENT :

Shri S. N. NAVALGUND, Presiding Officer

CR No. 02/2012

I Party**II Party**

Sh. Basavaraj G. Gamanagatti, The Senior Superintendent of Post Offices, Postal Department, Dharwad Division, Dharwad (DT)
Plot No. 126, Ghodke Plot, Anandnagar, Old Hubli
Hubli - 580 024

APPEARANCES :

I Party : Shri M Rama Rao,
Authorised Representative
II Party : Shri T G Anandshetty,
Advocate

AWARD

1. The Central Government vide Order No. L-40011/28/2010-IR (DU) dated 20-1-2012 in exercise of the power conferred by clause (d) of sub-section (1) and sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947) made this reference for adjudication with the following schedule :

SCHEDULE

“Whether the action of the Senior Superintendent of Posts in not regularizing and terminating the services of Shri Basavaraj Gamanagatti, GDS was

28-2-2010 is legal and justified? What are the relief the complainant is entitled to?"

2. On receipt of the reference while registering it in R 02/2012 when the notices were issued to both the sides, the I Party entered his appearance through Sh. M Ramachandran, General Secretary, Dharwad District Bank Employees Association (hereinafter referred as Authorised Representative of the I Party) and II Party entered his appearance through Sh. T G Anandshetty, Second Additional District Government Pleader, Dharwad and filed their claim and counter statement respectively.

3. In the claim statement filed by the I Party on 1-7-2012 it is asserted that he who has education qualification of SSLC and belongs to Scheduled Caste born on 23-8-1976 was allowed to work as GDS Packer in the year 1992 in the Post Offices of Hubli and accordingly work was taken from him till 28-2-2010 and in that regard the SSPO, Dharwad on his application under Right to Information Act furnished the information regarding the number of days worked by him through his letter No. DWD/L2/52/RTI-24/2010 dated 24-6-2010. It is further asserted as per the information furnished by the SSPO, Dharwad, it is indicated that he has worked for more than 240 days continuously in 12 calendar month on several spans from 2005 to 2010 and between 1-7-1997 to 28-2-2010 for total number of 2322 days and that continuously between 1-8-2007 to 13-10-2010 for a period of two years three months. He further asserted that when he applied for the post of GDS MD, Annigeri Market, GDS Packer, Old Hubli and GDS MD-1, Navanagar, Hubli no preference was given to him though he was senior to the persons appointed to the said post and did not favour him and also did not regularise his services and his representations to regularise his services in 2010 were also not considered favourably. It is further asserted though large numbers of regular vacancies exist since number of years that II Party without filling up the same has been appointing persons for a period of 90/180 days only to avoid their claim to get regular appointment in the department and thereby playing an unfair labour practice. He has further asserted that his services came to be terminated from 28-2-2010 unceremoniously without notice pay, retrenchment compensation etc. inspite of his unblemished sincere service which was caused him irreparable loss, agony. As his conciliation petition to the ALC(C), Hubli ended in failure this reference being made declaring the non-regularization of his service as illegal retrenchment without following the due process/provisions of ID Act/Law, against the principles of natural justice, unfair labour practice, illegal null and void direction be issued to the management to reinstate him in the post of GDS and to consider his case for regular appointment by giving preference over other candidates and take his service for regular appointment and to compensate him with Rs. 15000.00 towards the expenses.

4. Inter alia, in the counter statement by the II Party it is contended in the year 1992 I Party was allowed to work as GDS Packer on Stop-gap arrangement under Gramin Dak Seva Rules for a specific period and on completion of that period whenever there was need of service he was engaged under stop gap arrangement and that he has not worked for 240 days continuously in any 12 calendar months as claimed by him and that there being no provision for regularization of such services or to give preference in regular appointments his claim in that regard is unsustainable. It is further contended that since his services was taken whenever required no termination is made as claimed by him from 28-2-2010 and his last engagement under stop gap arrangement was on 4-2-2010 in a leave vacancy as such the question of paying him notice or retrenchment compensation has not arisen. Thus, it is claimed that I Party is not entitled for any declaration or regularisation of services as claimed by him.

5. After completion of the pleadings when the matter was posted for evidence the learned advocate appearing for the II Party while filing the affidavit of Assistant Superintendent of Post Offices, Dharwad Division authorised by the Senior Superintendent of Post Offices examined him on oath as MW1 and got exhibited the Authorisation in his favour from the Senior Superintendent of Post Offices as Ex M-1 and closed his side. Inter alia, the Authorised Representation of the I Party who in the cross-examination of MW-1 got exhibited two letter written by Sh. P V Rao, Senior Superintendent of Post Offices, Dharwad to the I Party dated 24-6-2010; three copies of the application given by the I Party for his appointment dated 28-2-2009; copy of another application given by the I Party for his appointment; reply given by the SSPO to that application; another copy of the application given by the I Party to Senior Superintendent of Post Offices dated 4-7-2010; copy of the application of I Party seeking intervention of ALC(C); copy of rejoinder given by I Party in the conciliation proceedings; information provided by the SSPO, Dharwad to I Party application under RTI Act; the letter issued by Sh. M Nagesh, CPIO showing the names of regular GDS vacancies and appointment; 25 wage slips pertaining to the payment made to the I Party as Ex W-1, Ex W-2, Ex W-3 series, Ex W-4 to Ex W-12 and Ex W-13 series by way of confrontation by filing the affidavit of I Party reiterating the contents of the claim statement examined him on oath as WW 1 (merits).

6. With the above pleadings and evidence brought on record when the matter was posted for arguments the learned advocate appearing for the II Party filed his written arguments reiterating the counter statement, whereas, the Authorised Representative of the I Party orally submitted that Ex W-1 the letter of SSPO with details of days of working/monthly payment made to I Party, Ex W-2 the details of numbers of days worked by the I Party from

1992 to 2010 issued by the Senior Superintendent of Post Office, Dharwad Division dated 24-6-2010 and Ex W-13 the information furnished on the RTI Application of the I Party with regard to the details of work taken from him from the year 2005 to 2011 since do suggest he has worked for more than 240 days in several span of 12 calendar months, terminating such workman amounting unfair labour practice and is in violation of Section 25F of Industrial Disputes Act as such he is entitle for restoration of his service with back wages and also direction for considering his service for regularisation and in support of his arguments he cited the decisions reported in 1985 LAB IC 1733 wherein it is held striking of the name of a workman from the rolls by the employer amounts to termination of service and such termination is retrenchment within the meaning of Section 2(o) if effected in violation of the mandatory provision of Section 25F and is invalid.

7. On appreciation of the pleadings, oral and documentary evidence brought on record by both the sides in the light of the arguments put forward by them, I have arrived at conclusion though there is material II Party having taken work from I Party on Stop-gap arrangement for more than 240 days in several span of twelve calendar months there being no evidence the services of I Party being terminated as claimed by him w.e.f. 28-2-2010 or at any date the reference is liable for Rejection and I Party is not entitle for any relief for the following.

REASONS

8. The claim of the I Party is that the II Party has availed his services as GDS Packer (Stop-gap) from 1992 to 28-2-2010 and during that period in several spans of 12 calendar months though he has worked for more than 240 days unceremoniously his services came to be terminated w.e.f. 28-2-2010 and the II Party not having considered him for regularisation of service and the termination without notice pay, retrenchment compensation as required under Section 25F of ID Act same is bad. In other words

his claims is that his termination being void he is deemed to be continued in service. The learned Authorised Representative of the I Party failed to bring to my notice any provisions of the Bipartite Settlement workman whose services were availed as Stop-gap arrangement for a long period/any specific period being entitle for being considered for regularisation of services, therefore, the claim of the I Party for issue of direction to consider for regularisation of services is baseless. Of course, as urged on behalf of the I Party Ex W-1, Ex W-2 and Ex W-13 furnished by the II Party itself do suggest that right from 1992 to 2011 his services being availed on stop-gap arrangement and during January to December 2007, January to December 2008 and January to December 2010 having worked for 254, 295 and 270 days respectively, but absolutely there is no evidence suggesting his services being terminated/retrenched either w.e.f. 28-2-2010 as claimed by him or at any point of time because the documentary evidence that he relies upon i.e. Ex W-13 do indicate he having worked even during March 2010 to December 2010 and January 2011 to June 2011. It appears to me that since individual dispute by a workman in the absence of termination of his services do not amount to an industrial dispute, the I Party who wanted regularisation of his services without any basis must have given an imaginary date of termination of his service as 28-2-2010 to make his grievance of non-regularisation an Industrial Dispute. In the result, I pass the following

ORDER

The Reference is rejected holding that there is no termination of Services by the Senior Superintendent of Posts of Sh. Basavaraj Gamanagatti, GDS clerk w.e.f. 28-2-2010 as claimed by him or at any point of time and his action in not regularising his services is legal and justified and is not entitle for any relief.

S. N. NAVALGUND, Presiding Officer